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**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
APRIL 19, 2007**

The Legislature convened at 6:00 p.m. with a call to order by the Chair, Mark R. Whalen. The Clerk, Eric S. Denk called the Attendance Roll, Present-17, Absent-2 (Howard, Mather).

The Chair, Mr. Whalen, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by an invocation by Ms. Buchta.

Mr. Reynolds made a motion, seconded by Mr. LaBare, that the minutes of the March 15, 2007 meeting be approved as prepared and presented by the Clerk. Ayes-17, Nays-0, Absent-2 (Howard, Mather)

Mr. Whalen noted that the committee minutes for the period March 15, 2007 through April 18, 2007 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees was present. Mr. Whalen asked for corrections to the committee minutes. A motion was made by Mr. Kuzel that his comments regarding Resolution #59 be stricken from the Education, Culture and Recreation Committee minutes record. The motion was seconded by Mr. Garnar.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

Motion by Mr. Reynolds, seconded by Mr. LaBare, to approve the committee minutes as amended.

**Carried as amended.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

**REPORT OF STANDING COMMITTEES**

None

**REPORT OF SPECIAL COMMITTEES**

None

**WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE**

- A. Letters from the County Executive, Barbara J. Fiala:
  - 1. Appointment to the Broome County Community Services Board
  - 2. State of Emergency-Town of Conklin 3/15/07
  - 3. State of Emergency-Town of Kirkwood 3/22/07

**PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:  
OTHER MATTERS PENDING OR REFERRED FROM PREVIOUS MEETINGS**

- A. PETITIONS: NONE
- B. COMMUNICATIONS
  - 1. Health-Local Early Intervention Coordinating Council Meeting Notice 4/26/07
  - 2. Finance-Balance Transfers to Close 2006 Accounts
  - 3. Assemblyman Finch-Receipt of Resolution Requesting Immediate Financial Assistance From New York State and the Federal Government to Aid the Catastrophically Impacted School Districts of Broome County
  - 4. CASA Director-Status as a Competitive Class Employee
  - 5. Agreement Between Broome County and Broome County Sheriff's Law Enforcement Officers' Association
  - 6. Employment Agreement Between County of Broome and Amalgamated Transit Union Local #1145

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7. Department of Health and Human Services-Review of Audit Report by Testone, Marshall and Discenza
  8. NY Department of State-Appalachian Regional Commission Program for FY 2008
  9. State of New York Supreme Court County of Broome Decision and Order- "County of Broome v Kenneth E. Badger, William M. Barber, Larry S. Fischer, Gerald W. Kellar, Thomas S. Kelso, Jr., Joseph T. Peckham, Geoffrey B. Rossi, Michael A. Sharpe, Ray Standish and Julie Sweet"
  10. Finance-Bond Anticipation Note Certificate Dated April 18, 2007
  11. Lisle Free Library-2007 Library Aid Agreement
  12. Southern Tier East Regional Planning Development Board-Broome County Fact Book 2007
  13. Environmental Management Council Meeting Minutes 1/18/07
  14. Broome County Soil & Water Conservation District Meeting Minutes 1/9/07
  15. Broome County Soil & Water Conservation District Meeting Minutes 2/20/07
  16. Cornell Cooperative Extension Of Broome County Meeting Minutes 2/22/07
  17. EMC Recycling & Waste Management Committee Meeting Minutes 3/26/07
  18. Environmental Management Council Meeting Minutes 4/5/07
  19. Broome County Association of Towns and Villages Meeting Minutes 3/22/07
  20. Municipal Electric & Gas Alliance Meeting Minutes 10/6/06
  21. Broome County Association of Municipal Clerks Meeting Minutes 3/15/07
  22. Broome County Soil & Water Conservation District Meeting Minutes 3/20/07

C. NOTICES: NONE

D. REPORTS:

1. Broome County Public Library 2006 Annual Report
2. Broome Community College Budget Transfers 3/2007
3. Broome County Local History & Genealogy Center 2006 Annual Report
4. Greater Binghamton Convention & Visitors Bureau's 2007 Marketing Plan and 2006 Expenditures
5. NYS Department of Health-Health Consultation Endicott Area Investigation Health Statistics Review Follow-up
6. Audit & Control-Industrial Development Agency Loan Audit April, 2007
7. Office of Emergency Services-Disaster Plan-Public Version
8. Broome Community College- Above Minimum Hire Report March, 2007

**WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE**

- A. Letters from the Chair, Mark R. Whalen
1. Designations for Mr. Keibel and Mr. Mather week of April 9, 2007

Mr. Kuzel made a motion, seconded by Mr. Marinich, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2007 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. Ayes-17, Nays-0, Absent-2 (Howard, Mather).

Mr. Shafer and Mr. Hutchings were designated as participants with Chairman Whalen in the 'Short Roll Call'. Resolutions were acted upon out of order, but for the purpose of clarity, they are presented here in numerical order.

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**RESOLUTIONS HELD OVER FROM PREVIOUS SESSION**

**RESOLUTION NO. 135**

Held over by Mr. Shafer

**Introduced by:** Personnel and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AMENDMENT TO RESOLUTION 712 OF 2006 ESTABLISHING RATE OF COMPENSATION FOR NON-UNION ADMINISTRATIVE PERSONNEL FOR FISCAL YEAR 2007**

WHEREAS, this County Legislature, by Resolution 712 of 2006, authorized the rate of compensation for non-union administrative personnel for fiscal year 2007, and

WHEREAS, said Resolution provides that all County Executive appointed positions shall remain at the 2004 salary level for his/her positions, and

WHEREAS, the position of CASA Director was included as a County Executive appointed position, and

WHEREAS, the incumbent was appointed prior to Resolution 492 of 2004 which established that County Executive appointed positions would remain at the 2004 salary level, and had permanent rights to the competitive civil service position, and

WHEREAS, it is necessary to authorize an amendment to said resolution to provide a 3% salary increase for the employee currently occupying the position of CASA Director, and

WHEREAS, the Personnel Officer has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to Resolution 712 of 2006, granting a 3% salary increase to the employee currently occupying the position of CASA Director effective January 1, 2007, and be it

FURTHER RESOLVED, that Resolution 712 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

Mr. Marinich made a motion, seconded by Mr. Shafer, to amend the Resolution to include the title Probation Director III.

**Amendment Failed.** Ayes-8, Nays-9 (Materese, Schofield, LaBare, Garnar, Kuzel, Reynolds, Herz, Buchta, Whalen, Absent-2 (Howard, Mather)

**Resolution Carried.** Ayes-11, Nays-6 (Keibel, Schofield, Garnar, Kuzel, Marinich, Whalen), Absent-2 (Howard, Mather)

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**RESOLUTION NO. 139**

Held over by Mr. Schofield

**Introduced by:** Personnel, Education, Culture, and Recreation and Finance Committees

**Seconded by:** Mr. Marinich

**RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST(S) FOR PARKS AND RECREATION**

RESOLVED, that in accordance with a request contained in PCR# 07-008 from the Commissioner of Public Works, this County Legislature hereby authorizes the change of the position of Director of Golf, Union Code 01, salary \$61,000 at budget line 850008.1000.309000 to Director of Golf, Union Code 01, Salary \$63,500 at budget line 850008.1000.309000, effective January 1, 2007 and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR #07-009 from the Commissioner of Parks and Recreation, this County Legislature hereby authorizes the change of the position of Superintendent of Golf, Union Code 01, salary \$57,000 at budget line 850008.1000.309000 to Superintendent of Golf, Union Code 01, salary \$61,500 at budget line 850008.1000.309000, effective January 1, 2007

**Failed.** Ayes-7, Nays-10 (Keibel, Hull, Schofield, Shafer, Hutchings, Black, Cleary, Garnar, Kuzel, Whalen), Absent-2 (Howard, Mather)

**RESOLUTION NO. 173**

Held over by Mr. Materese

**Introduced by:** Education, Culture and Recreation and Finance Committees

**Seconded by:** Mr. Materese

**RESOLUTION AUTHORIZING AN AGREEMENT WITH RICHIE KARL GOLF SCHOOL, LLC FOR LEASE OF THE ENDICOTT DRIVING RANGE FROM APRIL 1, 2007 THROUGH OCTOBER 15, 2007**

WHEREAS, the Commissioner of Public Works and Parks and Recreation requests authorization for an agreement with Richie Karl Golf School, LLC for the lease of the Endicott Driving Range for \$26,000, for the period April 1, 2007 through October 15, 2007, and

WHEREAS, said services are necessary to lease the Endicott Driving Range, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Richie Karl Golf School, LLC, for lease of the Endicott Driving Range for the period April 1, 2007 through October 15, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County an amount of \$26,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the lessee agrees to split any profit with En-Joie once the gross revenues at the driving range have exceeded \$75,000 for the season, and be it

FURTHER RESOLVED, that the payments hereinabove received shall be credited to budget line 850008.0652.309000 (Driving Range Fees), and be it

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FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

Motion by Mr. Materese, seconded by Mr. LaBare, to amend the Resolution for the period 2007-2009 with the Contractor to pay the County \$27,000 annually and the lessee agrees to split equally any revenue above \$75,000 for each season.

**Amendment carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

**Resolution as amended carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 175

Held over by Mr. Shafer

**Introduced by:** Finance Committee

**Seconded by:** Mr. Mather

#### RESOLUTION TO CREATE A NEW 2006 CAPITAL IMPROVEMENT PROJECT

WHEREAS, the Department of Parks and Recreation has determined that it is prudent to install a fence at Aqua Terra Park on Maxian Road; and,

WHEREAS, Funds from the 2006 Operating Budget are available to be transferred to the Capital Budget to fund this project; and,

WHEREAS, the 2006 Capital Improvement Program will have to be revised to include this additional capital project; now therefore, be it

RESOLVED, that the 2006 Capital Improvement Program is hereby revised to create a new project as follows:

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Cost:</u>		<u>County</u>
			<u>State</u>	<u>Federal/Other</u>	
502389	Park Improvement	38,800			38,800
	Local Finance Law Section 11		How Financed:		
	<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
	2006	15	19 (c)	0	38,800

Description: It has been determined that a new Capital Improvement Project be established to fund the installation and materials for a fence at Aqua Terra Park on Maxian Road. Funds from the 2006 Operating Budget are being transferred to Capital to fund this project.

and be it

FURTHER RESOLVED, that the Director of Budget and Research, Comptroller and the Commissioner of Finance are hereby authorized to process any paperwork to implement the intent of this Resolution.

Mr. Reynolds advised the Legislature that the Commissioner of Public Works has requested that this Resolution be withdrawn.

A vote was taken of the members of the Finance Committee to withdraw the Resolution.

**Carried.** Ayes-3, Nays-0, Absent-2 (Howard, Mather)

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**RESOLUTIONS INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 184**

**Introduced by:** Public Safety and Emergency Services Committee

**Seconded by:** Mr. Cleary

**RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY STOP-DWI ADVISORY BOARD**

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Resolution 492 of 1981, has duly designated and appointed the following named individuals to membership on the Broome County STOP-DWI Advisory Board, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Alan Wilmarth RR #3 Box 3104 Hallstead, Pennsylvania 18822	New Appointment 12/31/08
John Butler 607 Midvale Road Vestal, New York 13850	New Appointment 12/31/08
Eben M Bullock 46 Lock Street Port Crane, New York 13833	New Appointment 12/31/08
Rick Sands 178 Mathews Street Binghamton, New York 13905	New Appointment 12/31/08
Chris Haynes 57 Park Street Binghamton, New York 13905	New Appointment 12/31/08
Lori Wilmot 20 East Street Binghamton, New York 13904	New Appointment 12/31/08
Eric Donaldson 13 London Lane Endicott, New York 13760	New Appointment 12/31/08
Jason Van Fossen 2733 Columbia Drive Endwell, New York 13760	New Appointment 12/31/08
Gerald Mollen 4209 Emerson Place Vestal, New York 13850	Reappointment 12/31/08

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Eric Janis  
515 Twist Run Road  
Endwell, New York 13760

Reappointment  
12/31/08

Gerard Johansen  
134 Chapin Street 1-R  
Binghamton, New York 13905

Reappointment  
12/31/08

Len Pasquale  
610 Valley View Drive  
Endwell, New York 13760

Reappointment  
12/31/08

Doug Stento  
32 Rosedale Drive  
Binghamton, New York 13905

Reappointment  
12/31/08

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 492 of 1981 confirms the appointments of the above-named individuals to membership on the Broome County STOP-DWI Advisory Board for the terms indicated, in accordance with their appointment by the County Executive.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 185

**Introduced by:** Education, Culture and Recreation Committee

**Seconded by:** Mr. Cleary

#### **RESOLUTION CONFIRMING APPOINTMENT TO MEMBERSHIP ON THE BROOME COUNTY LIBRARY BOARD OF TRUSTEES**

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Resolution 221 of 1984, has duly designated and appointed the following named individual to membership on the Broome County Library Board of Trustees, for the term indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Cheryl Ebert 6 Marlayne Drive Johnson City, New York 13790	New Appointment 12/31/2011

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 221 of 1984, confirms the appointment of the above-named individual to membership on the Broome County Library Board of Trustees for the term indicated, in accordance with her appointment by the County Executive.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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## RESOLUTION NO. 186

**Introduced by:** Personnel, Public Safety & Emergency Services and Finance Committees  
**Seconded by:** Mr. Materese

### **RESOLUTION CONFIRMING APPOINTMENT OF BRETT CHELLIS AS DIRECTOR OF EMERGENCY SERVICES/FIRE COORDINATOR**

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Article XIX, Section A1904 of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this County Legislature, Brett Chellis, 173 Winn Hill Road, Port Crane, New York 13833 as Director of Emergency Services/Fire Coordinator, at the 2004 annual base salary of \$65,376, Grade E Admin II, effective March 1, 2007, and

WHEREAS, Brett Chellis is fully qualified to fill the position of Director of Emergency Services/Fire Coordinator, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article XIX, Section A1904 of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of the Article XIX, Section A1904 of the Broome County Charter and Administrative Code, does hereby confirm Brett Chellis as Director of Emergency Services/Fire Coordinator, at the 2004 annual base salary of \$65,376, Grade E, Admin II, effective March 1, 2007, in accordance with his appointment by the County Executive.

**Carried.** Ayes-15, Nays-2 (Schofield, Whalen), Absent-2 (Howard, Mather)

## RESOLUTION NO. 187

**Introduced by:** Public Safety and Emergency Services, Personnel and Finance Committees  
**Seconded by:** Mr. Cleary

### **RESOLUTION AUTHORIZING ACCEPTANCE OF A RECRUITMENT/RETENTION OF DISTRICT ATTORNEYS PROGRAM GRANT FOR OFFICE OF THE DISTRICT ATTORNEY AND ADOPTING A PROGRAM BUDGET FOR 2007**

WHEREAS, the District Attorney requests authorization to accept a Recruitment/Retention of District Attorneys Program Grant and adopt a program budget in the amount of \$18,066 for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said program grant will allow for salary bonuses to certain employees to encourage recruitment and retention of District Attorneys, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$18,066 from the New York State Division of Criminal Justice Services, 4 Tower Place, Albany, New York 12203-3764 for the Office of the District Attorney's Recruitment/Retention of District Attorney's Program Grant for the period January 1, 2007 through December 31, 2007, and be it

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FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$18,066, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 188**

**Introduced by:** Public Safety and Emergency Services and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH SUSQUEHANNA REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL FOR OFFICE AND EQUIPMENT RENTAL IN THE OFFICE OF EMERGENCY SERVICES AT THE PUBLIC SAFETY FACILITY FOR 2007**

WHEREAS, this County Legislature, by Resolution 637 of 2005, authorized a renewal of the agreement with Susquehanna Regional Emergency Medical Services Council for office space (Rooms 109, 117 and 118), copier access, telephone, fax and mail service in the Office of Emergency Services at the Public Safety Facility with revenue to Broome County for Room 109 in the amount of \$2,304 and for Rooms 117 and 118 in the amount of \$4,140, total amount not to exceed \$6,444 plus telephone, fax and mail charges, for the period January 1, 2006 through December 31, 2006, and

WHEREAS, said agreement expired by its terms on December 31, 2006, and it is desired at this time to renew said agreement on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Susquehanna Regional Emergency Medical Services Council, 153 Lt. Van Winkle Drive, Binghamton, New York 13905 for rental of office space (Rooms 109, 117 and 118), copier access, telephone, fax and mail service in the Office of Emergency Services at the Public Safety Facility for the period January 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County for Room 109 the amount of \$2,304 and for Rooms 117 and 118 the amount of \$4,140, the total amount not to exceed \$6,444 per year, plus telephone, fax and mail service for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 460006.0068.101000 (Other Public Safety Departmental Revenue), and be it

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FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.  
**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 189

**Introduced by:** Public Safety and Emergency Services and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE/FEDERAL BUREAU OF INVESTIGATIONS FOR LEASE OF TOWER SPACE WITH THE OFFICE OF EMERGENCY SERVICES FOR 2006-2007**

WHEREAS, this County Legislature, by Resolution 40 of 2005, authorized renewal of the agreement with the United States Department of Justice/Federal Bureau of Investigations for lease of tower space with the Office of Emergency Services with revenue to the County in the amount of \$125 per month, total revenue amount of \$1,500, for the period October 1, 2005 through September 30, 2006, and

WHEREAS, said agreement is necessary to lease tower space at Hawkins Hill for the operation of communications equipment and related purposes, and

WHEREAS, said agreement expired by its terms on September 30, 2006, and it is desired at this time to renew said agreement on substantially similar terms and conditions, with revenue to the County in the amount of \$125 per month, total revenue amount of \$1,500, for the period October 1, 2006 through September 30, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the United States Department of Justice, Federal Bureau of Investigation, ERF Building 27958A, Quantico, Virginia 22135-0001, for lease of tower space with the Office of Emergency Services for the period October 1, 2006 through September 30, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the United States Department of Justice/Federal Bureau of Investigations shall pay the County \$125 per month, total revenue amount of \$1,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 460006.0464.101000 (Revenue from Other Local Governments), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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## RESOLUTION NO. 190

**Introduced by:** Public Safety and Emergency Services and Finance Committees  
**Seconded by:** Mr. Cleary

### RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH THE TOWN OF MAINE FOR USE OF SPACE AT TOWN HALL FOR THE OFFICE OF THE SHERIFF FOR 2007

WHEREAS, this County Legislature, by Resolution 636 of 2005, authorized renewal of the agreement with the Town of Maine for use of space at Town Hall for the Office of the Sheriff, at no cost to the County for the period January 1, 2006 through December 31, 2006, and

WHEREAS, said agreement is necessary for the Office of the Sheriff to use a portion of the Maine Town Hall as a substation, and

WHEREAS, said agreement expired by its terms on December 31, 2006, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at no cost to the County, for the period January 1, 2007 through December 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the Town of Maine, PO Box 336, Maine, New York 13802 for use of space at Town Hall for the Office of the Sheriff, at no cost to the County, for the period January 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## RESOLUTION NO. 191

**Introduced by:** County Administration and Finance Committees  
**Seconded by:** Mr. Cleary

### RESOLUTION AUTHORIZING AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY CLERKS OFFICE AND THE TOWN OF CONKLIN FOR THE USE OF TOWN FACILITIES FOR 2007

WHEREAS, the County Clerk has requested authorization for an inter-municipal agreement with the Town of Conklin for the use of Town facilities, with a cost to the County for telephone, computer and cable services and equipment for the period February 13, 2007 through December 31, 2007, and

WHEREAS, said agreement is necessary for the County to operate a satellite DMV Unit in Conklin, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an inter-municipal agreement with the Town of Conklin, 1271 Conklin Road, Conklin, New York 13748, for the use of Town facilities for the County Clerks' Office-DMV for the period February 13, 2007 through December 31, 2007, and be it

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FURTHER RESOLVED, that in consideration of said agreement, the County shall pay for the cost of telephone, computer and cable services and equipment for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 300020.4329.101000 (Building & Grounds), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## RESOLUTION NO. 192

**Introduced by:** Finance Committee

**Seconded by:** Mr. Cleary

### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH DOCSTAR FOR SOFTWARE SUPPORT AND UPGRADES FOR THE DEPARTMENT OF REAL PROPERTY TAX SERVICE FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 355 of 2006 authorized an agreement with DocStar for software support and upgrades for the Department of Real Property Tax Service at an amount not to exceed \$3,795 for the period July 1, 2006 through June 30, 2007, and

WHEREAS, said agreement is necessary for software support and upgrades for the DocStar system used for the onsite data retention system, and

WHEREAS, said agreement expires by its terms on June 30, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$1,895, for the period July 1, 2007 through June 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with DocStar, 2165 Technology Drive, Schenectady, New York 12308 for software support and upgrades for the Department of Real Property Tax Services for the period July 1, 2007 through June 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$1,895 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 630004.4359.101000 (Computer Software and Supplies), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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### RESOLUTION NO. 193

**Introduced by:** Finance Committee

**Seconded by:** Mr. Cleary

**RESOLUTION APPROVING SALE OF COUNTY-OWNED PROPERTY IN THE TOWN OF UNION**

WHEREAS, the County of Broome now owns a parcel of real property in the Town of Union, Tax Map #142.17-3-49, located at 11 Valley Street, Endicott, New York 13760, and

WHEREAS, in conformity with the procedures established by this County Legislature and in accordance with all applicable laws, the Director of Real Property Tax Services requests authorization to sell said property to the Town of Union (HUD), 3111 East Main Street, Endwell, New York 13760 for the amount of \$1, under the conditions that the Town of Union will demolish the structures on said parcel, now, therefore, be it,

RESOLVED, that this County Legislature hereby authorizes the sale of County property in the Town of Union, Tax Map #142.17-3-49, located at 11 Valley Street, Endicott, New York 13760 to the Town of Union (HUD), 3111 East Main Street, Endwell, New York 13760 for an amount not to exceed \$1, provided that the Town of Union will demolish the structures on said parcel, and be it

FURTHER RESOLVED, that the payment hereinabove referenced shall be credited to budget line 630004.0212.101000 (Sale of Real Property), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby authorized to execute quit claim deeds, approved as to form by the Department of Law, conveying the properties listed above to the new owners, together with other such documents as may be necessary to implement the intent of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 194

**Introduced by:** Public Works, County Administration and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AN AGREEMENT WITH BENTLEY SYSTEMS, INC. FOR SOFTWARE MAINTENANCE AND SUPPORT FOR THE DEPARTMENT OF PUBLIC WORKS-ENGINEERING DIVISION FOR 2007**

WHEREAS, the Deputy Commissioner of Public Works-Engineering Division requests authorization for an agreement with Bentley Systems, Inc. for software maintenance and support at a cost not to exceed \$2,880, for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said services are necessary to maintain and support software for the Stormwater design system, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Bentley Systems, Inc., 685 Stockton Drive, Exton, PA 19341, for software maintenance and support for the period January 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$2,880 for the term of the agreement, and be it

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FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 030023.4359.1010001 (Computer Supplies and Equipment), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 195

**Introduced by:** Transportation and Rural Development and Finance Committees

**Seconded by:** Mr. Cleary

#### **RESOLUTION AUTHORIZING CANCELLATION OF UNCOLLECTIBLE DEPARTMENT OF AVIATION ACCOUNTS**

WHEREAS, the Commissioner of the Department of Aviation has advised that certain amounts owed to the Department of Aviation currently remain unpaid and uncollected, and

WHEREAS, Piedmont Airlines and PSA Airlines, Inc. are both components of US Airways, and upon emerging from bankruptcy in September 2005, an agreement was reached whereby 25% of their pre-petition debt (\$8,632.41 and \$1,255.18) is considered uncollectible, and

WHEREAS, Pacific Air has declared bankruptcy, and \$300 owed for a customs inspection will not be collected, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the cancellation and charge-off of the uncollectible Department of Aviation accounts as follows:

Piedmont Airlines	\$8,632.41
PSA Airlines, Inc.	1,255.18
Pacific Air	300.00
<b>TOTAL</b>	<b>\$10,187.59</b>

and be it

FURTHER RESOLVED, that the Commissioner of Finance and the Broome County Comptroller are hereby authorized to make necessary accounting entries to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 196

**Introduced by:** County Administration and Finance Committees

**Seconded by:** Mr. Shafer

#### **RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 1 OF 2007, ENTITLED: "A LOCAL LAW AMENDING LOCAL LAW NO. 13 OF 1989, AS AMENDED, ESTABLISHING A FEE SCHEDULE FOR WEIGHTS AND MEASURES"**

RESOLVED, that Local Law Intro. No. 1 of 2007, entitled: "A Local Law Amending Local Law No. 13 of 1989, As Amended, Establishing A Fee Schedule for Weights and Measures" be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

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**LOCAL LAW INTRO. NO. 1 of 2007**

"A Local Law Amending Local Law Amending Local Law No. 13 of 1989, As Amended,  
Establishing A Fee Schedule for Weights and Measures"

BE IT ENACTED, by the County Legislature of the County of Broome as follows:

Section 1. Local Law No. 13 of 1989, as amended, is hereby amended as follows:

**ARTICLE IV**

Inspections of Weights and Measures  
[Adopted 11-13-1989 by L.L. No. 13-1989]

§ 125-9. Schedule of fees; waiver of fees. [Amended 12-27-1990 by L.L. No. 3-1991]

**[The following fee schedule sets forth the amounts that]** Broome County will collect for each inspection (or reinspection after repair) and each testing (or retesting after repair) of all weights and measures, weighing and measuring devices and systems and related accessories within Broome County, **pursuant to the fee schedule set forth by the State of New York in 1 NYCRR Part 220, Section 220.3a**

**[A. Scales.**

Type	Fee
<b>Up to and including 15 kilograms' (33 pounds') capacity:</b>	
For each of the first 5 scales per establishment	<b>\$20.00</b>
For each scale per establishment after the first 5	<b>\$10.00</b>
<b>Over 15 kilograms' and including 300 kilograms' (661 pounds') capacity</b>	<b>\$40.00</b>
<b>Over 300 kilograms' and including 1,500 kilograms' (3,307 pounds') capacity</b>	<b>\$100.00</b>
<b>Over 1,500 kilograms' and including 7,000 kilograms' (15,432 pounds') capacity</b>	<b>\$140.00</b>
<b>Over 7,000 kilograms' and including 23,000 kilograms' (50,706 pounds') capacity</b>	<b>\$160.00</b>
<b>Over 23,000 kilograms' capacity</b>	<b>\$200.00</b>
<b>Tank, batch and crane scales</b>	<b>\$200.00</b>

**B. Weights, field standard (Class F).**

Amount	Fee
<b>Up to and including 3 kilograms (7 pounds)</b>	<b>\$8.00</b>
<b>Over 3 kilograms and including 30 kilograms (66 pounds)</b>	<b>\$16.00</b>
<b>Over 30 kilograms and including 300 kilograms (661 pounds)</b>	<b>\$32.00</b>
<b>Over 300 kilograms and including 1,200 kilograms (2,646 pounds)</b>	<b>\$60.00</b>

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<b>C.</b>	<b>Linear field measures.</b>	
	Type	Fee
	Up to 1 meter (39 inches)	\$4.00
	Over 1 meter and including 16 meters (52 feet)	\$8.00
	Over 16 meters and including 31 meters (102 feet)	\$12.00
	Over 31 meters	\$20.00
	Fabric measuring devices	\$20.00
	Wire and cordage measuring devices	\$40.00
<b>D.</b>	<b>Liquid measures and devices.</b>	
	Type	Fee
	Liquid measures of 20 liters (5 gallons) or less	\$8.00
	Liquid pumps (hand-operated) of 20 liters (5 gallons) or less	\$20.00
<b>E.</b>	<b>Petroleum dispensing and measuring devices.</b>	
	Type	Fee
	Single dispensing pump	\$20.00
	Dual dispensing pump	\$40.00
	Blend dispensing pump	\$40.00
	Grease and oil pump	\$8.00
<b>F.</b>	<b>Vehicles.</b>	
	Type	Fee
	Metering systems 300 liters per minute (79 gallons per minute) or less	\$100.00
	Metering systems over 300 liters per minute	\$120.00
	Compartment calibration:	
	Up to and including 3,000 liters' (793 gallons') capacity	\$40.00
	Over 3,000 liters' and including 6,000 liters' (1,585 gallons') capacity	\$80.00
	Over 6,000 liters' and including 12,000 liters' (3,170 gallons') capacity	\$120.00
	Over 12,000 liters' capacity	\$240.00

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**G. Stationary petroleum metering systems.**

<b>Capacity</b>	<b>Fee</b>
Up to 400 liters per minute (106 gallons per minute)	\$100.00
Over 400 liters per minute including 2,000 liters per minute (528 gallons per minute)	\$120.00
Over 2,000 liters per minute and including 4,000 liters per minute (1,057 gallons per minute)	\$140.00
Over 4,000 liters per minute	\$160.00

**H. Bulk milk tanks.**

<b>Capacity</b>	<b>Fee</b>
Up to 3,000 liters (793 gallons)	\$40.00
Over 3,000 liters and including 6,000 liters (1,585 gallons)	\$80.00
Over 6,000 liters and including 12,000 liters (3,170 gallons)	\$120.00
Over 12,000 liters	\$240.00

**I. Timing devices.**

<b>Type</b>	<b>Fee</b>
All commercially used devices where time is a basis for charge	\$4.00, except for:
Devices owned or operated by governmental agencies	No charge

**J. Taxi meters: \$40].**

**[K.] A.** Reseal fee for vehicle metering systems: \$25. [Added 11-20-2003 by L.L. No. 8-2003]

**[L.] B.** Waiver of fees. The charges set forth in § 125-9 shall be waived for the reinspections of all weighing and measuring devices and systems and related accessories in Broome County for those businesses incurring damages related to a natural or man-made disaster resulting in a declaration of a state of emergency by the County Executive. [Added 7-19-2006 by L.L. No. 5-2006]

- (1) Eligibility for this program shall be limited to the business owners suffering damage due to such man-made or natural disaster.
- (2) The person requesting a fee waiver shall file an application with the Division of Weights and Measures, on forms provided by the Division. The application for a waiver shall contain a certification from an appropriate code enforcement or emergency services official that the applicant qualifies for the fee waiver based on records of damage due to such natural or man-made disaster.
- (3) The amount of the fee waived for any applicant shall be limited to the inspection fee, which is not covered by any insurance or local, state or federal emergency assistance.

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- (4) The Division of Weights and Measures shall prepare appropriate regulations to implement the intent of this subsection, which regulations shall be filed with the Clerk of the Legislature.

§ 125-10. Regulations for collection of fees.

The following regulations pertaining to the collection of fees shall apply in Broome County:

- A. A fee shall be charged once annually unless a device is ordered to be repaired and must be retested. An additional fee **[shall] may** be charged for any retest.
- B. An additional fee **[shall] may** be charged for a retest if during the course of a year a device is found to be in error and ordered repaired.
- C. The initial inspection fee on new or reconditioned devices shall be paid by the user.
- D. Recalibration fee**[s]** on bulk milk tanks shall be paid by the party requesting the recalibration.
- E. All fees must be paid within 30 days.
- F. No fee shall be charged for testing any device owned or operated by governmental agencies.
- G. No fee shall be charged when using privately owned calibrated equipment to perform any testing.
- H. A fee may be charged when using **[s]State**-owned calibrated equipment to perform any testing unless the **[s]State** is assessing a fee.
- I. No fee shall be paid directly to any weights and measures official unless authorized by the State Director of Weights and Measures on the basis of unusual conditions or hardship.
- J. All fees shall be paid to the designated municipal fiscal officer, who shall keep an accurate record and submit an annual report to the Commissioner on a form prescribed by the Commissioner.
- K. Payments for the weights and measures services mentioned above may be given in the form of money order, cashier's check, business check or cash. [Added 12-27-1990 by L.L. No. 3-1991]

§ 125-11. Frequency of inspections and tests.

- A. Weighing devices. All commercially used weights and weighing devices and accessories shall be inspected and tested for accuracy at least **[twice] once** a year[, **except for large scales (over 1,500 kilograms' capacity) and prescription and jeweler scales, which shall be inspected and tested at least annually**].
- B. Petroleum dispensing devices. All commercial petroleum dispensing devices and accessories shall be inspected and tested for accuracy at least once a year.

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C. Volumetric measures. All commercially used volumetric measures shall be inspected and checked for accuracy at least annually and shall be recalibrated at least once in every five years, except for bulk milk holding tanks, which shall be calibrated upon installation and shall be recalibrated upon request by either the producer or receiver, or whenever the Weights and Measures Official deems it necessary

**D. Linear measures and linear measuring devices. All commercially used linear measures and linear measuring devices shall be inspected and tested for accuracy at least once annually.**

**E. Timing devices. All devices where time is a basis for charge shall be inspected and tested for accuracy at least once a year.**

Section 2. This Local Law shall become effective upon filing with the Secretary of State.

Note: Material **[bold brackets]** deleted

Material **bold underlined** added

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 197**

**Introduced by:** County Administration, Personnel and Finance Committees

**Seconded by:** Mr. Cleary

#### **RESOLUTION AUTHORIZING REVISION OF A VOTER EDUCATION AND POLL WORKER TRAINING PROGRAM GRANT FOR THE DEPARTMENT OF ELECTIONS AND REVISING THE GRANT PERIOD TO JANUARY 1, 2007 THROUGH DECEMBER 31, 2010**

WHEREAS, this County Legislature, by Resolution 608 of 2006, authorized and approved the Voter Education And Poll Worker Training Program Grant for the Department of Elections and adopted a program budget in the total amount of \$117,000 for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said grant program provides funding for poll worker training and voter education in coordination with the purchase of new voting machines in order to familiarize both groups with the new voting system, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$665 in grant appropriations, and

WHEREAS, it is necessary at this time to revise said program to reflect a grant period of January 1, 2007 through December 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Voter Education and Poll Worker Training Program Grant to reflect an increase of \$665 and a revision of the grant period to January 1, 2007 through December 31, 2010, and be it

FURTHER RESOLVED, that Resolution 608 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby authorized to execute any such agreements, documents or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

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FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 198**

**Introduced by:** County Administration, Health and Human Services and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AN AGREEMENT WITH SOUTHERN TIER COPY PRODUCTS D/B/A CMS IMAGING SOLUTIONS FOR THE LEASE AND MAINTENANCE OF COPY MACHINES FOR THE DEPARTMENTS OF HEALTH AND SOCIAL SERVICES FOR 2007-2012**

WHEREAS, the Purchasing Agent has advertised for and received bids for lease and maintenance agreements for copy machines for the Departments of Health and Social Services, and

WHEREAS, following a review of all bids received, the Purchasing Agent requests authorization for a lease and maintenance agreement with Southern Tier Copy Products d/b/a CMS Imaging Solutions for a copy machine for the Departments of Health and Social Services for the period May 1, 2007 through April 30, 2012, and

WHEREAS, said recommendations are based on a competitive bid, which contained terms and conditions of said leases, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Southern Tier Copy Products d/b/a CMS Imaging Solutions, One Lewis Street, Binghamton, New York 13901, for the lease and maintenance agreement for the period May 1, 2007 through April 30, 2012 as follows:

Department of Health Toshiba e-Studio 520 \$330.15 per month including options MJ1027 Stapling Finisher, MJ6003 Hole Punch Unit, MJ4004 Large Capacity Paper Tray, GM2040 Print and Scan Enabler, GM1050 Print Enabler, GM4010 Scan Upgrade Enabler, total amount not to exceed \$19,809 plus an overage rate of .006 per copy in excess of 18,000 copies per month

Department of Social Services Toshiba e-Studio 600 \$250.02 per month including options MJ1027 Stapling Finisher, MJ4004 Large Capacity Paper Feeder, total amount not to exceed \$15,001.20 plus an overage rate of .006 per copy in excess of 11,000, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from the Department of Health's budget line 480228.4518.101000 (Copy Machine Rentals) and the Department of Social Services budget line 670034.4518.103000 (Copy Machine Rentals), and be it

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FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 199

**Introduced by:** Public Safety and Emergency Services and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AN AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS NEW YORK FOR A DIGITAL COPIER LEASE FOR THE DEPARTMENT OF PURCHASING FOR 2007-2012**

WHEREAS, the Purchasing Agent has advertised and received bids for the lease agreement for a digital copier for the Office of the Sheriff for the period May 1, 2007 through April 30, 2012, and

WHEREAS, the Purchasing Agent requests authorization, based on a competitive bid which contained terms and conditions of said lease, to enter into a lease agreement with Toshiba Business Solutions New York for a digital copier, Toshiba model E-352, at a base amount of \$93 per month plus \$106 per month for added features, for the Office of the Sheriff, for the period May 1, 2007 through April 30, 2012, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a lease agreement with Toshiba Business Solutions New York, 7037 Fly Road, East Syracuse, New York 13057 for the Toshiba digital copy machine for the Office of the Sheriff, for the period May 1, 2007 through April 30, 2012, and be it

FURTHER RESOLVED, that in consideration of said lease agreement, the County shall pay the Contractor \$199 per month, total amount not to exceed \$11,940 for the term of the agreement, and be it

FURTHER RESOLVED, that said agreement shall include an overage rate of \$.007 in excess of the stated copies per month as specified in the bid, and be it

FURTHER RESOLVED, that the payments for the lease hereinabove authorized shall be made from budget line 450023.4518.101000 (Copy Machine Rental), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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## RESOLUTION NO. 200

**Introduced by:** Health and Human Services and Finance Committees  
**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH HF JOHN GROUP, LLC FOR CONSULTING SERVICES FOR THE WILLOW POINT NURSING HOME FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 301 of 2006, authorized renewal of the agreement with HF John Group, LLC, for consulting services for the Willow Point Nursing Home at an amount not to exceed \$30,000 for the period May 1, 2006 through April 30, 2007, and

WHEREAS, said agreement is necessary to analyze the cost structure and to ensure accuracy of cost reports to maximize reimbursement, and

WHEREAS, said agreement expires by its terms on April 30, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$30,000, for the period May 1, 2007 through April 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with HF John Group, LLC, PO Box 13505, Albany, New York 12212-3505 for consulting services for the Willow Point Nursing Home for the period May 1, 2007 through April 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$30,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160010.4725.204000 (Other Financial Services), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## RESOLUTION NO. 201

**Introduced by:** Health and Human Services and Finance Committees  
**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AN AGREEMENT WITH KATHLEEN COLLING FOR PROFESSIONAL SERVICES FOR THE COMMUNITY ALTERNATIVE SYSTEMS AGENCY (CASA) FOR 2007**

WHEREAS, the Director of the Community Alternative Systems Agency (CASA) requests authorization for an agreement with Kathleen Colling for professional services at a cost not to exceed \$11,802, for the period March 1, 2007 through September 30, 2007, and

WHEREAS, said agreement is necessary to conduct focus groups and interviews for the Point of Entry Grant, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Kathleen Colling, 421 Castleman Road, Vestal, New York 13850 for professional services for the Community Alternative Systems Agency (CASA) for the period March 1, 2007 through September 30, 2007, and be it

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FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$11,802 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 680066.4545.105240 (Contracted Services), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## RESOLUTION NO. 202

**Introduced by:** Health and Human Services and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AN AGREEMENT WITH THE CENTER FOR DISEASE DETECTION FOR LABORATORY SERVICES FOR THE DEPARTMENT OF HEALTH FOR 2007**

WHEREAS, the Director of Public Health requests authorization for an agreement with the Center for Disease Detection for laboratory services at a cost of \$2.50 per test, total amount not to exceed \$6,000, for the period February 1, 2007 through December 31, 2007, with the option of five one-year renewals under the same terms and conditions, and

WHEREAS, said agreement is necessary for gonorrhea specimens sent for diagnostic testing run as a combination test with chlamydia specimens, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Center for Disease Detection, 3370 Nacogdoches, Suite 100, San Antonio, Texas 78217 for laboratory services for the Department of Health for the period February 1, 2007 through December 31, 2007, with the option of five one-year renewals under the same terms and conditions, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$2.50 per test, total amount not to exceed \$6,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480228.4703.101000 (Lab Services), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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## RESOLUTION NO. 203

**Introduced by:** Finance and Health and Human Services Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AMENDING RESOLUTION 718 OF 2006 AUTHORIZING EXECUTION OF AGREEMENTS WITH SEVERAL CONTRACT AGENCIES SUPPORTED BY BROOME COUNTY FOR 2007**

WHEREAS, this County Legislature, by Resolution 718 of 2006, authorized agreements with several contract agencies for services which benefit, aid or assist with the many needs of the broad spectrum of the Broome County community at a total cost not to exceed \$1,650,750 for the period January 1, 2007 through December 31, 2007, and

WHEREAS, part of said resolution authorized the agreement with Opportunities for Broome to operate an Alternative Sentencing for persons involved with the Broome County Criminal Justice system for the Department of Social Services, at an amount not to exceed \$19,296 for the period January 1, 2007 through December 31, 2007, and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the amount not to exceed by \$19,296 for the period January 1, 2007 through December 31, 2007, and

WHEREAS, the Commissioner of Social Services has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Opportunities for Broome, 56 Whitney Avenue, Binghamton, New York 13901 to increase the amount not to exceed by \$19,296 to operate an Alternative Sentencing for persons involved with the Broome County Criminal Justice system for the period January 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$19,296, total amount not to exceed \$38,592, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670018.5080.103000 (Opportunities for Broome), and be it

FURTHER RESOLVED, that Resolution 718 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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## RESOLUTION NO. 204

**Introduced by:** Health and Human Services and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING REVISION OF ENVIRONMENTAL PREVENTION STRATEGIES PROGRAM GRANT FOR THE OFFICE OF MENTAL HEALTH, ADOPTING A REVISED PROGRAM BUDGET AND AUTHORIZING AMENDMENT TO THE AGREEMENT WITH WBNG-TV/WBXI-TV TO ADMINISTER SAID PROGRAM FOR 2006-2007**

WHEREAS, this County Legislature, by Resolution 259 of 2006, authorized and approved the Environmental Prevention Strategies Program Grant for the Office of Mental Health, adopted a program budget in the total amount of \$9,000 and authorized an agreement with WBNG-TV/WBXI-TV to administer said program for the period April 1, 2006 through March 31, 2007, and

WHEREAS, said program grant provides a media advocacy campaign to enforce the underage drinking laws program in New York, and

WHEREAS, it is necessary at this time to revise said program to extend the term of the grant and amend the term of the agreement through May 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Environmental Prevention Strategies Program Grant to extend the term to April 1, 2006 through May 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with WBNG-TV/WBXI-TV to amend the term of the agreement to April 1, 2006 through May 31, 2007, at no additional cost to the County, and be it

FURTHER RESOLVED, that Resolution 259 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby authorized to execute any such agreements, documents or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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## RESOLUTION NO. 205

**Introduced by:** County Administration and Finance Committees

**Seconded by:** Mr. Cleary

### **RESOLUTION AUTHORIZING AN AGREEMENT WITH VOTING MACHINE SERVICE CENTER FOR THE PURCHASE OF VOTING MACHINES FOR THE BOARD OF ELECTIONS FOR 2007**

WHEREAS, the Commissioners of the Board of Elections request authorization for an agreement with Voting Machine Service Center for the purchase of thirty-eight (38) voting machines for the Board of Elections at a cost of \$1,895 per machine, total amount not to exceed \$72,010, for the period April 19, 2007 through December 31, 2007, and

WHEREAS, said agreement is necessary for the purchase of voting machines that were damaged in the June 2006 floods, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Voting Machine Service Center, Inc., Po Box 261, Gerry, New York 14740 for the purchase of thirty-eight (38) voting machines for the Board of Elections for the period April 19, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$1,895 per voting machine, total amount not to exceed \$72,010 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 415050.2490.501478 (Equipment), and be it

FURTHER RESOLVED, that Resolution 07-57, contract #16588, shall be rescinded in its entirety, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## RESOLUTION NO. 206

**Introduced by:** Transportation and Rural Development and Finance Committees

**Seconded by:** Mr. Cleary

### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH LOURDES OCCUPATIONAL HEALTH SERVICES FOR PHYSICAL EXAMINATIONS FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION FOR 2007-2009**

WHEREAS, this County Legislature, by Resolution 154 of 2004, authorized an agreement with Lourdes Occupational Health Services for physical examinations for the Department of Public Transportation at a rate of \$60 per examination, total annual cost not to exceed \$5,000, total amount not to exceed \$15,000 for the period May 10, 2004 through May 9, 2007, and

WHEREAS, said agreement is necessary to provide State mandated Article 19-A physical examinations for all CDL transit operators, and

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WHEREAS, said agreement expires by its terms on May 9, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at a rate of \$65 per examination, total annual cost not to exceed \$5,000, total amount not to exceed \$10,000 for the period May 10, 2007 through May 9, 2009, with a one-year renewal with the CPI increase at Broome County's option, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Lourdes Occupational Health Services, 169 Riverside Drive, Binghamton, New York 13905 for physical examinations for the Department of Public Transportation for the period May 10, 2007 through May 9, 2009, with a one-year renewal with the CPI increase at Broome County's option, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$65 per exam, total annual cost not to exceed \$5,000, total amount not to exceed \$10,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 220004.4449.203110 (Other Operational Expense), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 207**

**Introduced by:** Transportation and Rural Development and Finance Committees  
**Seconded by:** Mr. LaBare

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH OPINION WORKS FOR PROFESSIONAL SERVICES FOR THE BINGHAMTON METROPOLITAN TRANSPORTATION STUDY (BMTS) FOR 2007**

WHEREAS, the Director of the Binghamton Metropolitan Transportation Study requests authorization for an agreement with Opinion Works for professional services at a cost not to exceed \$14,850, for the period April 1, 2007 through October 30, 2007, and

WHEREAS, said agreement is necessary to conduct a Broome County Public Transit Household Survey, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Opinion Works, 703 Giddings Avenue, Suite U-6, Annapolis, Maryland 21401 to conduct a Broome County Public Transit Household Survey for the period April 1, 2007 through October 30, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$14,850 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 440131.4747.xxxxxx (Professional Services), and be it

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FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-16, Nays-1(Kuzel), Absent-2 (Howard, Mather)

### **RESOLUTION NO. 208**

**Introduced by:** Transportation and Rural Development, Personnel and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING REVISION OF THE BINGHAMTON METROPOLITAN TRANSPORTATION STUDY (BMTS) GRANT AND ADOPTING A REVISED PROGRAM BUDGET FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 167 of 2007, authorized and approved renewal of the Binghamton Metropolitan Transportation Study (BMTS) Grant and adopted a program budget in the total amount of \$765,100 for the period April 1, 2007 through March 31, 2008, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$44,000 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Binghamton Metropolitan Transportation Study (BMTS) Grant to reflect an increase of \$44,000 in grant appropriations for the period April 1, 2007 through March 31, 2008, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$809,100, and be it

FURTHER RESOLVED, that Resolution 167 of 2007, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby authorized to execute any such agreements, documents or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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**RESOLUTION NO. 209**

**Introduced by:** Finance Committee  
**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES ON PARCELS IN VARIOUS TOWNS**

WHEREAS, it is necessary to clear the tax records of these parcels of real property by virtue of the reasons stated below, now, therefore, be it

RESOLVED, that taxes will be cancelled on the following parcels of real property:

Parcel ID: 164.04-1-24.2  
Town/Village: Windsor  
Owner: People of the State of New York  
Amount to be Cancelled: \$98.63  
Reason: State did not approve current assessment rate of \$11,200

Parcel ID: 211.02-1-2  
Town/Village: Vestal  
Owner: State of New York  
Amount to be Cancelled: \$12.30  
Reason: State did not approve drain 18 maintenance

Parcel ID: 221.00-1-10  
Town/Village: Vestal  
Owner: People of the State of New York  
Amount to be Cancelled: \$13.13  
Reason: State did not approve drain 18 maintenance

Parcel ID: 221.00-1-2  
Town/Village: Vestal  
Owner: People of the State of New York  
Amount to be Cancelled: \$8.63  
Reason: State did not approve drain 18 maintenance

Parcel ID: 221.00-1-7  
Town/Village: Vestal  
Owner: People of the State of New York  
Amount to be Cancelled: \$13.95  
Reason: State did not approve drain 18 maintenance

Parcel ID: 221.00-1-11  
Town/Village: Vestal  
Owner: People of the State of New York  
Amount to be Cancelled: \$10.05  
Reason: State did not approve drain 18 maintenance

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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**RESOLUTION NO. 210**

**Introduced by:** Education, Culture and Recreation Committee  
**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AN AGREEMENT WITH WEST CORNERS BASEBALL AND SOFTBALL INC. FOR LEASE OF THE BRIXIUS CREEK WATERSHED RECREATION AREA FROM JUNE 1, 2007 THROUGH MAY 31, 2012**

WHEREAS, Broome County owns the Brixius Creek recreational area, and

WHEREAS, the Commissioner of Parks and Recreation requests authorization for an agreement with West Corners Baseball and Softball Inc. for the lease of the Brixius Creek recreational area at no cost to West Corners Baseball and Softball Inc., for the period June 1, 2007 through May 31, 2012, and

WHEREAS, said services are necessary for league practice and games, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with West Corners Baseball and Softball Inc., 631 Wilma St., Endicott, NY 13760-4515, for lease of the Brixius Creek recreational area described in Exhibit A for the period June 1, 2007 through May 31, 2012, and be it

FURTHER RESOLVED, that the Commissioner of Parks and Recreation reserves the right to approve all improvements at the premises and to approve all events other than softball and baseball sponsored by West Corners Baseball and Softball, Inc., and be it

FURTHER RESOLVED, that West Corners Baseball and Softball, Inc. will maintain proper liability insurance throughout the term of this agreement, and be it,

FURTHER RESOLVED, that there shall be no sale or consumption of alcohol on the premises, and be it

FURTHER RESOLVED, there will be no fee paid to the County for the term of the agreement, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

**RESOLUTION NO. 211**

**Introduced by:** Personnel and Finance Committees  
**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AN AGREEMENT WITH THE BINGHAMTON JOHNSON CITY JOINT SEWAGE BOARD FOR LABOR RELATIONS PROFESSIONAL SERVICES**

WHEREAS, the Broome County Personnel Officer requests authorization for an agreement with Binghamton Johnson City Joint Sewage Board for labor relations professional services, and

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WHEREAS, said agreement is necessary to provide the Binghamton Johnson City Joint Sewage Board with a variety of human resource services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Binghamton Johnson City Joint Sewage Board for labor relations professional services, and be it

FURTHER RESOLVED, that in consideration of said services, the Binghamton Johnson City Joint Sewage Board shall pay the County an amount not to be less than Fifty-Five Dollars (\$55.00) per hour, per person, for the term of the agreement, and be it

FURTHER RESOLVED, that the revenue received shall be credited to budget line 390005.0027.101000 (Miscellaneous Revenue), and be it

FURTHER RESOLVED, that this agreement shall continue for two years from the date of execution of said agreement and may be terminated in whole or in part by either party upon thirty days written notice to the other party, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## **RESOLUTION NO. 212**

**Introduced by:** Personnel, County Administration and Finance Committees

**Seconded by:** Mr. Cleary

### **RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE DEPARTMENT OF LAW**

RESOLVED, that in accordance with a request contained in PCR# 07-141 from the County Attorney, this County Legislature hereby authorizes the change of the position of Secretary, Grade 14, Union Code 09 at Budget line 390005.1500.101000, at a salary of \$30,088 to Budget line 390005.1000.101000, at a salary of \$30,088, effective April 23, 2007

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## **RESOLUTION NO. 213**

**Introduced by:** Transportation and Rural Development and Finance Committees

**Seconded by:** Mr. Cleary

### **RESOLUTION AUTHORIZING AN AGREEMENT WITH COMMUNIQUE DESIGN AND MARKETING, INC. FOR ADVERTISING CONSULTING SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2007-2008**

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with Communique Design and Marketing, Inc. for advertising consulting services for the Department of Aviation at a cost not to exceed \$74,500, for the period May 1, 2007 through April 30, 2008, with the option to be exercised by the Commissioner of Aviation for two one-year renewals at the same annual amount and

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WHEREAS, said agreement is necessary to provide for the continued development and implementation of the marketing program for the Greater Binghamton Airport, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Communiqué Design & Marketing, Inc., 221 Washington Street, Suite B, Binghamton, New York 13903, for advertising consulting services for the Department of Aviation for the period May 1, 2007 through April 30, 2008, with the option to be exercised by the Commissioner of Aviation for two one-year renewals at the same annual amount, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$28,000 plus \$46,500 for all media and advertising campaigns, total amount not to exceed \$74,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 210195.4448.207000 (Advertising and Promotional Expense), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 214**

**Introduced by:** Transportation and Rural Development and Finance Committees

**Seconded by:** Mr. Cleary

#### **RESOLUTION ESTABLISHING ADMISSION AND PARKING FEES FOR THE 2007 GREATER BINGHAMTON AIRSHOW AT THE GREATER BINGHAMTON AIRPORT**

WHEREAS, the County proposes to conduct an Airshow at the Greater Binghamton Airport on June 29 and 30, 2007, and

WHEREAS, this event provides the community with affordable family entertainment at the Greater Binghamton Airport, and

WHEREAS, to offset, in part, the costs associated with the 2007 Airshow, the Commissioner of Aviation proposes an entrance fee schedule and parking fee, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an admission fee schedule for the Airshow at the Greater Binghamton Airport to be held on June 29 and 30, 2007 as follows:

#### **Greater Binghamton Airshow 2007 Admission Fee Schedule**

##### **Admission Tickets Purchased on June 29 and 30, 2007**

Adults (17 years and older)	\$10.00
Children (8 to 16 years of age)	\$ 8.00
Children 7 and under	Free

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**Admission Tickets Purchased prior to June 29, 2007**

Adults (17 years and older)	\$ 9.00
Children (8 to 16 years of age)	\$ 7.00
Children 7 and under	Free

**Parking Fee**

All Vehicles (Off-site and On-site)	\$ 2.00
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and be it

FURTHER RESOLVED, that the entrance fees authorized herein shall be deposited in the Aviation Community Relations Trust Account (Fund 60, GL525, Subsidiary 525052) to be used to defray expenses in connection with the Airshow, and be it

FURTHER RESOLVED, the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

**RESOLUTION NO. 215**

**Introduced by:** Transportation and Rural Development and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING THE CAR RENTAL CONCESSIONAIRES AT THE GREATER BINGHAMTON AIRPORT TO CHARGE A CONSOLIDATED FACILITY CHARGE (CFC)**

WHEREAS, the Department of Aviation requests authorization for the car concessionaires at the Greater Binghamton Airport to charge a Consolidated Facility Charge (CFC), and

WHEREAS, said Consolidated Facility Charge is a user fee collected by a car rental company on a per rental day or a per rental agreement basis to fund car rental facility improvements, and

WHEREAS, the revenue collected in connection with said charge will be used to fund any bonding requirements exclusively for the car rental parking lot work without impacting our operating budget or our airline fee levels, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the car concessionaires at the Greater Binghamton Airport to charge a Consolidated Facility Charge (CFC) until the completion of the collection of all costs associated with the car rental facility improvements, and associated borrowing fees and interest, and be it

FURTHER RESOLVED, that the Consolidated Facility Charge (CFC) will be \$2.00 per rental day, with a cap of \$10.00 per rental agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 210195.0659.207000 (Consolidated Facility Charge-CFC), and be it

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FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 216**

**Introduced by:** County Administration and Finance Committees

**Seconded by:** Mr. Cleary

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH NEW WORLD SYSTEMS FOR SUPPORT SERVICES FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2007**

WHEREAS, the Director of Information Technology requests authorization for an agreement with New World Systems for support services for the Division of Information Technology at a cost of \$160 per hour plus travel, total amount not to exceed \$6,000, for the period May 1, 2007 through December 31, 2007, and

WHEREAS, said agreement is necessary to provide support services to upgrade the New World Systems Public Safety System, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with New World Systems, 888 West Big Beaver Road, Suite 1100, Troy Michigan 48084 for support services, for the Division of Information Technology for the period May 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$160 per hour, plus travel estimated at \$2,160, total amount not to exceed \$6,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payment for travel shall be made from budget line 460097.4462.101000 (Travel, Hotel, Meals), and the payment for support services shall be made from budget line 460097.4359.101000 (Contracted Data Processing Services), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 217**

**Introduced by:** County Administration and Finance Committees

**Seconded by:** Mr. Cleary

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH TIME WARNER TELECOM FOR INTERNET SERVICES FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2007-2010**

WHEREAS, this County Legislature, by Resolution 13 of 2004, authorized an agreement with Time Warner Telecom for internet services for the Division of Information Technology at the rate of \$1,390 per month, plus \$10,000 for installation, total amount not to exceed \$60,040 for the period April 1, 2004 through March 31, 2007, and

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WHEREAS, said agreement is necessary to provide high-speed internet services and maintenance for Broome County, and

WHEREAS, said agreement expired by its terms on March 31, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at the rate of \$1,313 per month, total amount not to exceed \$47,268, for the period April 1, 2007 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Time Warner Telecom, 116 Clayton Avenue, Vestal, New York 13850 for internet services for the Division of Information Technology for the period April 1, 2007 through March 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$1,313 per month, total amount not to exceed \$47,268 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370007.4726.101000 (Contracted Data Processing Services), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 218**

**Introduced by:** County Administration and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH PAETEC SOFTWARE CORPORATION FOR SOFTWARE MAINTENANCE FOR THE DIVISION OF INFORMATION TECHNOLOGY-TELECOM FOR 2007-2010**

WHEREAS, this County Legislature, by Resolution 373 of 2004, authorized renewal of the agreement with Paetec Software Corporation for software maintenance for the Division of Information Technology-Telecom at an amount not to exceed \$41,740, for the period August 20, 2004 through July 31, 2007, and

WHEREAS, said agreement is necessary for software maintenance and support for the Telecom Management System, and

WHEREAS, said agreement expires by its terms on July 31, 2007 and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$45,844 for the period August 1, 2007 through July 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Paetec Software Corporation, 295 Woodcliff Drive, Suite 225, Fairport, New York 14450 for software maintenance for the Division of Information Technology-Telecom for the period August 1, 2007 through July 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$45,844 for the term of the agreement, and be it

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FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370056.4449.101000 (Other Operational Expenses), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## RESOLUTION NO. 219

**Introduced by:** County Administration and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH NTS DATA SERVICES, LLC FOR THE TEAM VOTER REGISTRATION AND ELECTION NIGHT REPORTING SYSTEM FOR THE BOARD OF ELECTIONS FOR 2006-2008**

WHEREAS, this County Legislature, by Resolution 414 of 2005, authorized an agreement with NTS Data Services, LLC for maintenance and support of the TEAM Voter Registration System, the EMS Election Management System and the TERACS Total Election Reporting and Certification System, for the Board of Elections at a cost not to exceed \$83,536.95, for the period January 1, 2006 through December 31, 2008, and

WHEREAS, said services are necessary to improve the efficiency of the Board of Elections, including voter registration, election night reporting, preparing the required State and public reports, and

WHEREAS, it is necessary to authorize an amendment to said agreement to provide \$6,000 for an update to the Board of Elections software to interface with new State registration servers, which is required to meet the new HAVA requirements of a State centralized voter registration system, and

WHEREAS, the Deputy Commissioner of Elections have requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with NTS Data Services, LLC, 1342 Military Rd., Niagara Falls, NY 14304, adding an additional \$6,000 for software updates for the Board of Elections for the period January 1, 2006 through December 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$6,000, the total amount not to exceed \$89,536.95, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 410001.4449.101000 (Other Operational Expenses), and be it

FURTHER RESOLVED, that Resolution 414 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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FURTHER RESOLVED, that the County Executive or her duly authorized representative is here by empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## RESOLUTION NO. 220

**Introduced by:** Health and Human Services, Personnel, and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING REVISION OF HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 152 of 2007, authorized and approved renewal of the Healthy Living Partnership Integrated Cancer Services Program Grant for the Department of Health and adopted a program budget in the total amount of \$268,547 for the period April 1, 2007 through March 31, 2008, and

WHEREAS, said grant program provides a regional approach to breast, cervical, colorectal and prostate cancer screening, education and treatment to uninsured or underinsured women and men over fifty years of age in five counties (Broome, Tioga, Chenango, Otsego and Delaware), and

WHEREAS, it is necessary at this time to revise said program budget to reflect an increase in the amount of \$218,751 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Healthy Living Partnership Integrated Cancer Services Program Grant to reflect an increase of \$218,751 for the period April 1, 2007 through March 31, 2008, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$487,298, and be it

FURTHER RESOLVED, that Resolution 152 of 2007, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby authorized to execute any such agreements, documents or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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## RESOLUTION NO. 221

**Introduced by:** Health and Human Services and Finance Committees  
**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AGREEMENTS WITH DR. DONALD WERNER AND DR. JONATHAN RUAN FOR SERVICES FOR THE DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT FOR 2007-2008**

WHEREAS, the Director of Public Health requests authorization for agreements with Dr. Donald Werner and Dr. Jonathan Ruan for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant according to the New York State Department of Health Upstate Fee Reimbursement Schedule for the period April 19, 2007 through March 31, 2008.

WHEREAS, said agreements are necessary to provide a regional approach to breast, cervical, colorectal and prostate cancer screening, diagnostics, education, treatment and follow up to uninsured or underinsured women and men over fifty years of age in five counties which include, Broome, Tioga, Chenango, Otsego and Delaware, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes agreements with Dr. Donald Werner and Dr. Jonathan Ruan, 112 Murray St., Binghamton, NY 13905, for services for the period April 19, 2007 through March 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Vendors according to the New York State Department of Health Upstate Fee Reimbursement Fee Schedule for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480376.4715.105241 (April 1, 2006-June 29, 2007), 480376.4715.105xxx (June 30, 2007-March 31, 2008), and 480376.4707/4715.105311 (April 1, 2007-March 31, 2008) (Medical & Hospital Services/Other Health & Medical Services), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## RESOLUTION NO. 222

**Introduced by:** Health and Human Services, Personnel, and Finance Committees  
**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING REVISION OF THE MEDICAID TECHNOLOGIES IMPROVEMENT PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET FOR 2007**

WHEREAS, this County Legislature, by Resolution 577 of 2006, authorized and approved the Medicaid Technologies Improvement Program Grant for the Department of Social Services and adopted a program budget in the total amount of \$187,189 for the period January 1, 2007 through December 31, 2007, and

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WHEREAS, said grant program provides for two full-time clerk positions, two full-time senior clerk positions and one full-time examiner position whose responsibility will be to perform Medicaid eligibility determinations, ensure quality control and image the Medicaid program records, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$68,844 in grant appropriations and add one Human Service Coordinator I position, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Medicaid Technologies Improvement Program Grant to reflect an increase of \$68,844 for the period January 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$256,033, and be it

FURTHER RESOLVED, that Resolution 577 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby authorized to execute any such agreements, documents or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 223**

**Introduced by:** Health and Human Services and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AN AGREEMENT WITH IM SOLUTIONS FOR CONSULTING SERVICES FOR THE WILLOW POINT NURSING HOME FROM MAY 1, 2007 THROUGH APRIL 30, 2008**

WHEREAS, the Administrator of the Willow Point Nursing Home requests authorization for an agreement with IM Solutions for consulting services for the Willow Point Nursing Home at a cost not to exceed \$13,530, for the period May 1, 2007 through April 30, 2008, and

WHEREAS, said services are necessary for revenue cycle management and training specific to Keane Software accounts receivable and clinical management software, now, therefore, be it

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RESOLVED, that this County Legislature hereby authorizes an agreement with IM Solutions, 109 Chatham Ave., Buffalo, NY 14216, for consulting services for the period May 1, 2007 through April 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$13,530 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160010.4725.204000 (Other Financial Services), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 224

**Introduced by:** Economic Development and Planning and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING ACCEPTANCE OF A STATEWIDE RAPID RESPONSE-TRADE ADJUSTMENT ASSISTANCE PROGRAM GRANT FOR OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A PROGRAM BUDGET FOR 2007-2008**

WHEREAS, the Director of Employment and Training requests authorization to accept a Statewide Rapid Response-Trade Adjustment Assistance Program Grant and adopt a program budget in the amount of \$177,587 for the period March 1, 2007 through June 30, 2008, and

WHEREAS, said program grant provides funds for staff services as well as training related to services for Trade Act impacted customers or other eligible Dislocated Workers, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$177,587 from the New York State Department of Labor, State Office Campus, Building 12, Room 450, Albany, New York 12240 for the Office of Employment and Training's Statewide Rapid Response-Trade Adjustment Assistance Program Grant for the period March 1, 2007 through June 30, 2008, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$177,587, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## RESOLUTION NO. 225

**Introduced by:** Economic Development and Planning and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING ACCEPTANCE OF US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROGRAM GRANT FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT AND ADOPTING A PROGRAM BUDGET**

WHEREAS, the Commissioner of Planning requests authorization to accept a US Department of Housing and Urban Development (HUD) Program Grant in the amount of \$248,525, and

WHEREAS, said program grant provides for economic development projects including funds to create incubator space for start-up companies, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$248,525 from the US Department of Housing and Urban Development, Washington, DC 20410-1000 for the Department of Planning and Economic Development, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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**RESOLUTION NO. 226**

**Introduced by:** Economic Development and Planning and Finance Committees  
**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING ACCEPTANCE OF DISASTER RELIEF COMMUNITY DEVELOPMENT BLOCK PROGRAM GRANT FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT AND PLANNING AND ADOPTING A PROGRAM BUDGET FOR 2007-2008**

WHEREAS, the Commissioner of Planning and Economic Development requests authorization to accept a Disaster Relief Community Development Block Grant and adopt a program budget in the amount of \$499,500 for the period April 1, 2007 through March 31, 2008, and

WHEREAS, said program grant provides emergency housing rehabilitation assistance to Broome County residents with needs related to the June 2006 flooding, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$499,500 from Office for Small Cities, New York State Housing Trust Fund Corporation, Empire State Plaza, Suite 600, Albany, New York 12223-1401 for the Department of Planning and Economic Development and Planning's Disaster Relief Community Development Block Grant Program for the period April 1, 2007 through March 31, 2008, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$499,500, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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## RESOLUTION NO. 227

**Introduced by:** Economic Development and Planning and Finance Committees  
**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AN AGREEMENT WITH FIRST WARD ACTION COUNCIL FOR SERVICES RELATED TO THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT'S DISASTER RELIEF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR 2007-2008**

WHEREAS, the Commissioner of Planning and Economic Development requests authorization for an agreement with First Ward Action Council for services related to the Department of Planning and Economic Development's Disaster Relief Community Development Block Grant Program at a cost not to exceed \$40,500, for the period April 1, 2007 through March 31, 2008, and

WHEREAS, said agreement is necessary for emergency housing rehabilitation assistance to Broome County residents with needs related to the June 2006 flooding, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with First Ward Action Council, 165 Clinton Street, Binghamton, New York 13905 for services related to the Department of Planning and Economic Development's Disaster Relief Community Development Block Grant Program for the period April 1, 2007 through March 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$40,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 440149.4545.105321 (Contracted Services), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## RESOLUTION NO. 228

**Introduced by:** Health and Human Services and Finance Committees  
**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING ACCEPTANCE OF COST OF LIVING ADJUSTMENT FUNDING FOR THE DEPARTMENT OF SOCIAL SERVICES AND AUTHORIZING AN AMENDMENT TO THE AGREEMENTS WITH VARIOUS VENDORS FOR 2007**

WHEREAS, the Commissioner of Social Services requests authorization to accept Cost of Living Adjustment Funding in the amount of \$63,809 and amend the agreements with various vendors listed on Exhibit "A" for the period January 1, 2007 through December 31, 2007, and

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WHEREAS, said funding will give preventive services providers a one time 2.5 cost of living adjustment to use for the recruitment and retention of staff or to respond to other non-personnel services cost, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$63,809 from the New York State Office of Children & Family Services, 52 Washington Street, Rensselaer, New York 12144 for the Department of Social Services Cost of Living Adjustment Funding for the period January 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the amendment to the agreements with various vendors as listed on Exhibit "A" to reflect a 2.5 cost of living increase for the period January 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors the additional amounts as listed on Exhibit "A" for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670513.4561.105320 (Purchase of Services), and be it

FURTHER RESOLVED, that Resolutions 573, 574, 672, 673, 674, 666, 671, 720 and 722 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) are hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried.** Ayes-15, Nays-1 (Kuzel), Absent-2 (Howard, Mather), Abstain-1 (Sanfilippo)

### **RESOLUTION NO. 229**

**Introduced by:** County Administration and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH AFFILIATED COMPUTER SERVICES (FORMERLY EXIGENT COMPUTER GROUP, INC.) FOR SOFTWARE MAINTENANCE FOR THE OFFICE OF THE BROOME COUNTY CLERK FOR 2007**

WHEREAS, this County Legislature, by Resolution 478 of 2006, authorized an agreement with Exigent Computer Group, Inc. for software maintenance for the Office of the County Clerk at a cost not to exceed \$37,300, for the period September 1, 2006 through February 28, 2007, and

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WHEREAS, said agreement provides professional services necessary to design a web-based system for the handling of credit card transactions for the downloading of documents from the County Clerk's database, and

WHEREAS, Exigent Computer Group, Inc. has been sold to Affiliated Computer Services, Inc. (ACS), and

WHEREAS, it is necessary to authorize an amendment to said agreement to provide an extension of the contract to July 31, 2007, and

WHEREAS, the Broome County Clerk has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with ACS (Formerly Exigent Computer Group, Inc.), 4000 Executive Parkway, Suite 275, San Ramon, CA 94583, for software maintenance for the Office of the Broome County Clerk and to extend the contract to July 31, 2007, and be it

FURTHER RESOLVED, there shall be no additional cost to the County for the term of the agreement, and be it

FURTHER RESOLVED, that Resolution 478 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 230**

**Introduced by:** Finance Committee

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH RMSCO INC. TO ADMINISTER THE COUNTY'S HEALTH INSURANCE AND FLEXIBLE BENEFITS PLANS FOR THE DEPARTMENT OF RISK AND INSURANCE FOR 2007-2011**

WHEREAS, this County Legislature, by Resolution 557 of 2006, authorized an agreement with RMSCO, Inc., to administer the County's health insurance and flexible benefits plans for the Department of Risk and Insurance at an amount not to exceed \$18.40 per member per month for health plans, \$3.75 flexible medical per member per month, and \$2.75 flexible dependent care per member per month for the period January 1, 2007 through December 31, 2011 and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the not to exceed amount by \$6,500 to create a plan document for the two HMO model self-insured plans, and

WHEREAS, the Risk Manager has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with RMSCO, Inc., 115 Continuum Drive, Liverpool, New York 13088 to increase the

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not to exceed amount by \$6,500 to create a plan document for the two HMO model self-insured plans for the Department of Risk and Insurance for the period January 1, 2007 through December 31, 2011, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$6,500, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050005.4743.252000 (Claims Administration), and be it

FURTHER RESOLVED, that Resolution 557 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 231

**Introduced by:** Finance and Personnel Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH CORPORATE CARE MANAGEMENT FOR CASE MANAGEMENT MONITORING OF BROOME COUNTY'S SELF-INSURED HEALTH PROGRAM FOR 2004-2008**

WHEREAS, this County Legislature, by Resolution 660 of 2003, authorized an agreement with Corporate Care Management for case management monitoring of Broome County's Self-insured Health Program for the period 2004 through 2008, and

WHEREAS, said agreement provides case management monitoring services to participants in the Broome County Self-insured Health Plan, including pre-admission review, pre-service authorization, case management, retrospective reviews and out-of-network negotiations, and

WHEREAS, it is necessary to authorize an amendment to said agreement to include members in HMO model self-insured health plans, and to add the wording "MD consultations" to the 2<sup>nd</sup> Whereas paragraph, and

WHEREAS, the Risk Manager has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Corporate Care Management, 1 Kattelville Rd, Binghamton, NY 13901, for case management monitoring services for the Department of Risk and Insurance for the period January 1, 2004 through December 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services; the County shall pay the Contractor the following increase, with rates not to exceed:

<u>Year</u>	<u>Additional</u>	<u>Annual Rate</u>
2007	\$36,368	\$194,488
2008	\$37,095	\$198,377

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for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050005.4743.252000 (Claims Administration), and be it

FURTHER RESOLVED, that Resolution 660 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 232

**Introduced by:** Finance and Health and Human Services Committees

**Seconded by:** Mr. Cleary

#### RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE HEALTH DEPARTMENT

RESOLVED, that in accordance with a request from the Public Health Director, in order to appropriate sufficient funds to various accounts to maximize spending for the 06-07 Healthy Living Partnership Integrated Cancer Service Program Grant, as requested by BT's # 006366, 006367 and 006368, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1500	105176	Salaries Part-Time	1,554
	480376	4359	105176	Computer Software /Supplies	10
	480376	4461	105176	Mileage & Parking-Local	42
	480376	4462	105176	Travel, Hotel, & Meals	150
	480376	4715	105176	Other Health & Medical Svs	682
	480376	4609	105176	Data Processing Chargeback	323
	480376	4616	105176	Fleet Service Chargeback	250
	480376	4617	105176	Dup & Printing Chargeback	59
	480376	4627	105176	Single Audit Chargeback	80
	480376	8010	105176	State Retirement	170
	480376	8030	105176	Social Security	114
	480376	8040	105176	Worker's Compensation	16
FROM:	480376	8050	105176	Life Insurance	2
	480376	8060	105176	Health Insurance	400
	480376	8063	105176	Disability Insurance	9

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TO:	480376	4319	105176	Office Supplies	7
	480376	4346	105176	Training / Education Supplies	564
	480376	4349	105176	Misc Operational Supplies	527
	480376	4411	105176	Postage & Freight	100
	480376	4419	105176	General Office Expenses	80
	480376	4606	105176	Telephone Billing Acct	291
	480376	4614	105176	Other Chargeback Exps	522
	480376	4615	105176	Gasoline Chargeback	150
	480376	4618	105176	Office Supplies Chargeback	1,220
	480376	4626	105176	Transportation Svcs Chgbk	400

and be it

FURTHER RESOLVED, that in accordance with a request from the Public Health Director, in order to appropriate sufficient funds to various accounts to maximize funds for the 06-07 Emergency Preparedness/Bioterrorism Grant, as requested by BT's # 006369, 006370 and 006371, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subsubject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1000	105198	Salaries – Full Time	19,565
	480376	1600	105198	Salaries – Temporary	2
	480376	4610	105198	Personal Services Chgbk	20,000
	480376	8010	105198	State Retirement	907
	480376	8040	105198	Workers Comp	1,142
	480376	8050	105198	Life Insurance	5
TO:	480376	1500	105198	Salaries - Part Time	26,114
	480376	4319	105198	Office Supplies	1,000
	480376	4349	105198	Misc. Operational Supplies	2,000
	480376	4359	105198	Computer Software/Supplies	720
	480376	4363	105198	Medical Lab & Clinic Supp	2,000
	480376	4411	105198	Postage & Freight	43
	480376	4457	105198	Subcontracted Program Exp	2,000
	480376	4462	105198	Travel/Hotel/Meals	1,130
	480376	4463	105198	Education & Training	395
	480376	4606	105198	Telephone Billing	1,084
	480376	4615	105198	Gasoline Chargeback	250
	480376	4616	105198	Fleet Service Chargeback	350
	480376	4617	105198	Duplicating/Printing Chgbk	200
	480376	4618	105198	Office Supplies Chgbk	200
	480376	4626	105198	Transportation Svcs Chgbk	350
	480376	8030	105198	Social Security	501
	480376	8060	105198	Health Insurance	3,163
	480376	8063	105198	Disability Insurance	43
	480376	8070	105198	Unemployment Insurance	78

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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### RESOLUTION NO. 233

**Introduced by:** Planning and Economic Development, Public Safety and Emergency Services, and Finance Committees

**Seconded by:** Mr. Shafer

**RESOLUTION AUTHORIZING AN AGREEMENT WITH VOORHIS/ROBERTSON JUSTICE SERVICES, INC. TO CONDUCT A STUDY OF THE OPERATIONS OF THE OFFICE OF THE SHERIFF FROM MAY 1, 2007 THROUGH MARCH 31, 2008**

WHEREAS, the Commissioner of Planning requests authorization for an agreement with Voorhis/Robertson Justice Services, Inc. to conduct a study of the operations of the Office of the Sheriff at a cost not to exceed \$98,672, for the period May 1, 2007 through March 31, 2008, and

WHEREAS, said services are necessary to determine whether adjustments to the day-to-day tasks performed by the Office of the Sheriff, including corrections to the physical plant itself, could result in cost savings, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Voorhis/Robertson Justice Services, Inc., 1666 Albion Street, Denver, Colorado 80220, to conduct a study of the operations of the Office of the Sheriff for the period May 1, 2007 through March 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$98,672 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370032.4726.502382 (Contracted Data Pr), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Held over by Mr. Schofield.**

### RESOLUTION NO. 234

**Introduced by:** Economic Development and Planning and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY (BCIDA) FOR LEASE OF SPACE AT THE EDWIN L. CRAWFORD COUNTY OFFICE BUILDING FOR 2006-2007**

WHEREAS, this County Legislature, by Resolution 677 of 2006, authorized an agreement with Broome County Industrial Development Agency (BCIDA) for lease of 1,920 square feet of space at the Edwin L. Crawford County Office Building at the rate of \$8 per square foot, \$1,560 per month, total amount not to exceed \$21,840 for the period November 1, 2006 through December 31, 2007, and

WHEREAS, said agreement provides revenue to the County by providing the BCIDA with office space, and

WHEREAS, it is necessary to authorize an amendment to said agreement to change the rent per month to \$1,280, and the total amount not to exceed \$17,920, and

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WHEREAS, the Commissioner of Planning has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Broome County Industrial Development Agency, for lease of space in the Edwin L. Crawford County Office Building for the period November 1, 2006 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the Broome County Industrial Development Agency shall pay the County \$8 per square foot for 1,920 square feet, \$1,280 per month, total amount not to exceed \$17,920 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 440016.0158.101000 (Revenue Account), and be it

FURTHER RESOLVED, that Resolution 677 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 235**

**Introduced by:** Finance Committee

**Seconded by:** Mr. Herz

#### **RESOLUTION APPROVING THE SALE OF COUNTY-OWNED PROPERTY IN THE TOWN OF KIRKWOOD AND RESCINDING RESOLUTION 360 OF 2006**

WHEREAS, Resolution 360 of 2006 authorized the sale of Parcel ID: 162.05-2.29 in the Town of Kirkwood to Newman Acquisition B, LLC., 3101 Shippers Road, Vestal, New York 13850 for the purchase price of \$10,000, and

WHEREAS, upon the sale of the said property, the structure on said property was to be demolished and the plywood used to secure the structure was to be returned to the County within thirty days of the sale, and

WHEREAS, the terms of the agreement were not met by Newman Acquisition B, LLC and the County wishes to cancel the sale as approved in Resolution 360 of 2006, and

WHEREAS, in conformity with the procedures established by this County Legislature and in accordance with all applicable laws, the Acting Director of Real Property Tax Services requests authorization to sell Parcel ID: 162.05-2.29, 90 Barlow Road, Kirkwood, New York to Alfred Gorick Jr., 3 Valley View Court, Binghamton, New York 13904 for the purchase price of \$1, under the terms and conditions that Gorick Construction Company, 27 Track Drive, Binghamton, New York 13904 will demolish said property and return the plywood used to secure the building to the County within thirty days, now, therefore, be it,

RESOLVED, that this County Legislature hereby authorizes the sale of Parcel ID: 162.05-2.29, 90 Barlow Road, Kirkwood, New York to Alfred Gorick Jr., 3 Valley View Court,

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Binghamton, New York 13904 for the purchase price of \$1, under the terms and conditions that Gorick Construction Company, 27 Track Drive, Binghamton, New York 13904 will demolish said property and return the plywood used to secure the building to the County within thirty days, and, be it

FURTHER RESOLVED, that the payments hereinabove referenced shall be credited to budget line 630004.0212.101000 (Sale of Real Property), and be it

FURTHER RESOLVED, that this County Legislature rescinds Resolution 360 of 2006, due to the fact that the terms and conditions of said Resolution were not met by Newman Acquisition B, LLC, and

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby authorized to execute quit claim deeds, approved as to form by the Department of Law, conveying the properties listed above to the new owners, together with other such documents as may be necessary to implement the intent of this Resolution.

Motion by Mr. Shafer to remove language in the first and third Whereas paragraphs, and the Resolved paragraph, referring to the returning of plywood to the County.

**Amendment Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)  
**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 236

**Introduced by:** Health and Human Services and Finance Committees  
**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AN AGREEMENT WITH PROFESSOR SURINDER KAHAI FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF HEALTH FOR THE PERIOD APRIL 25, 2007 THROUGH APRIL 24, 2008**

WHEREAS, the Public Health Director requests authorization for an agreement with Professor Surinder Kahai for professional services for the Department of Health at a rate of \$100 per hour, total cost not to exceed \$12,000 for the period April 25, 2007 through April 24, 2008, and

WHEREAS, said services are necessary to provide software training and development for Health Department programs, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Professor Surinder Kahai, 1040 Glenwood Road, Vestal, NY 13850, for professional services for the Department of Health for the period April 25, 2007 through April 24, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at a rate of \$100 per hour, total amount not to exceed \$12,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480293.4457.101000-MCHD, 480228.4457.101000-Clinics, 480228.4457.105202-HIV Seroprevalence Grant (Subcontracted Program Expense), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers,

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approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 237**

**Introduced by:** Personnel, Health and Human Services and Finance Committees

**Seconded by:** Mr. Cleary

#### **RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST(S) FOR THE DEPARTMENT OF SOCIAL SERVICES**

RESOLVED, that in accordance with a request contained in PCR#07-130 from the Commissioner of Social Services, this County Legislature hereby authorizes the creation of a Human Services Program Coordinator I, Grade 17, Union Code 04, minimum salary \$35,255, within the Medicaid Technologies Improvement Grant, at budget line 670513.1000.105269, to be effective April 19, 2007

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 238**

**Introduced by:** Personnel, Public Works and Finance Committees

**Seconded by:** Mr. Cleary

#### **RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST(S) FOR DPW - HIGHWAY**

RESOLVED, that in accordance with a request contained in PCR# 07-108 from the Commissioner of Public Works, this County Legislature hereby authorizes the change of the position of Principal Account Clerk, Union Code 04, Grade 13, salary \$28,834 at budget line 030023.1000.101000 to Clerk, Union Code 04, Grade 6, salary \$20,436 at budget line 030023.1000.101000, effective April 19, 2007

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### **RESOLUTION NO. 239**

**Introduced by:** Health and Human Services and Education, Culture and Recreation Committees

**Seconded by:** Mr. Shafer

#### **RESOLUTION CREATING TOBACCO-FREE ZONES IN BROOME COUNTY PARKS**

WHEREAS, the Director of Health and the Commissioner of Parks and Recreation have requested that areas designated as play areas in Broome County Parks, where children may be present, be designated as tobacco-free zones, and

WHEREAS, smoking is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases, and

WHEREAS, children exposed to secondhand smoke are more likely to have reduced lung function and symptoms of respiratory irritation, like coughing, excess phlegm and wheezing, and

WHEREAS, children with asthma who are exposed to secondhand smoke are especially at risk for having their condition worsened by secondhand smoke, and

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WHEREAS, secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year, and

WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, accidents, fires, and AIDS combined, and

WHEREAS, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old, and

WHEREAS, everyday an estimated 3,900 young people under the age of 18 try their first cigarette and one-third of these children will die prematurely from tobacco related illnesses, and

WHEREAS, to help role model non-smoking behavior to children and youth; to provide children youth and their families with a safe smoke-free environment, now, therefore, be it

RESOLVED, that Broome County of the State of New York designates play areas in Broome County Parks, where children may be present, be designated as tobacco-free zones, and, be it

FURTHER RESOLVED, that appropriate signs will be posted designating tobacco-free zones.

**Held over by Mr. Kuzel.**

### RESOLUTION NO. 240

**Introduced by:** Finance and County Administration Committees

**Seconded by:** Mr. Cleary

#### RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE LEGISLATIVE CLERK

RESOLVED, that in accordance with a request from the Legislative Clerk, in order to provide funds for additional hours for the Third Deputy Clerk of the Legislature due to the leave of absence of the Legislative Assistant as requested by BF#0000937, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	240010	1000	101000	Salaries – Full Time	2,992
TO:	240028	1600	101000	Salaries – Temporary	2,992

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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## RESOLUTION NO. 241

**Introduced by:** County Administration and Finance Committees  
**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH NETMOTION WIRELESS, INC. FOR SOFTWARE MAINTENANCE FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY FOR THE PERIOD JUNE 1, 2007 THROUGH MAY 31, 2008**

WHEREAS, the Board of Acquisition and Contract, on May 10, 2006, authorized an agreement with NetMotion Wireless, Inc. for software maintenance for the Department of Information Technology at a cost not to exceed \$3,968.75, for the period June 1, 2006 through May 31, 2007, and

WHEREAS, said agreement is for annual software maintenance for mobile computing connection software, and

WHEREAS, it is necessary to renew said agreement for the period June 1, 2007 through May 31, 2008, and

WHEREAS, the Director of Information Technology has requested authorization for said renewal as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with NetMotion Wireless, Inc., 701 N. 34<sup>th</sup> Street, Suite 250, Seattle, WA 98103, for software maintenance for the Department of Information Technology for the period June 1, 2007 through May 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a total amount not to exceed \$5,718.75 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370056.4449.101000 (Other Operational Expenses), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## RESOLUTION NO. 242

**Introduced by:** County Administration and Finance Committees  
**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING AN AGREEMENT WITH PAETEC SOFTWARE CORP. FOR PROPRIETARY SOFTWARE CUSTOM CONFIGURATION WORK AND ORACLE DATABASE MAINTENANCE FOR THE TELECOM SYSTEM FROM APRIL 1, 2007 THROUGH JULY 31, 2010**

WHEREAS, the Director of Information Technology requests authorization for an agreement with Paetec Software Corp. for proprietary software custom configuration work and Oracle database maintenance for the Telecom Management System at a cost not to exceed \$19,500, for the period April 1, 2007 through July 31, 2010, and

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WHEREAS, said services are necessary for software maintenance, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Paetec Software Corp., for proprietary software custom configuration work and Oracle database maintenance for the Telecom Management System for the period April 1, 2007 through July 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$19,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370056.4449.101000 (Other Operational Expense), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 243

**Introduced by:** Finance, Public Works and Education, Culture and Recreation Committees

**Seconded by:** Mr. LaBare

#### RESOLUTION AMENDING THE 2006 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2006 Capital Improvement Program is hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			
			<u>State</u>	<u>Federal/ Other</u>	<u>County</u>	
501438	BCC- Technology Initiative	315,000	157,500	0	157,500	
		<u>Local Finance Law Section 11</u>			<u>How Financed:</u>	
		<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
		2006	5	81(b)	315,000	0

Description: New technology is available to monitor and control building, their systems, spaces and access. The initiative is to improve campus security systems and controls. Security systems will include building entrance monitoring and access controls. Additionally there is the desire to implement other security components used to monitor and control vehicle activity on site.

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TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		
			<u>State</u>	<u>Federal/ Other</u>	<u>County</u>
501438	BCC- Technology Initiative	315,000	157,500	0	157,500

<u>Local Finance Law Section 11</u>			<u>How Financed:</u>	
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2006	5	81(b)	315,000	0

Description: The State University of New York is directing changes in the management of Financial Records, Personnel Information and Student Information systems. With evidence of identity theft increasing elsewhere and agencies having to better handle and secure information to avoid losses, this project is a priority to improve the management of sensitive and confidential information. The college's project will improve the security and privacy of information collected and processed and provide for a disaster recovery plan.

**Note: DESCRIPTION CHANGE ONLY**

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 244

**Introduced by:** Finance and Public Works Committees

**Seconded by:** Mr. Sanfilippo

#### RESOLUTION AMENDING THE 2006 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2006 Capital Improvement Program is hereby revised to create new projects as follows:

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		
			<u>State</u>	<u>Federal/ Other</u>	<u>County</u>
501510	Repairs/ Renovations	14,928	0	0	14,928

<u>Local Finance Law Section 11</u>			<u>How Financed:</u>	
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2006	5	35	14,928	0

Description: To do necessary repairs and improvements at the Broome County Public Library to enhance the building and improve security. This project will be funded by the balance of the 2006 Decker Room Carpet Capital Improvement Project.

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TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/</u> <u>Other</u>		
501511	Equipment	29,685	0	0	29,865	
		<u>Local Finance</u> <u>Year Start</u>	<u>Law Section 11</u> <u>YPU</u>	<u>LFL</u>	<u>How Financed:</u> <u>Bond</u>	<u>Current</u> <u>Revenue</u>
		2006	5	32	29,685	0

Description: To replace and update existing equipment which will improve efficiency and provide added security. This project will be funded by the balance of the 2006 Decker Room Carpet Capital Improvement Project.

and be it

FURTHER RESOLVED, that the Director of Budget and Research, Comptroller and the Commissioner of Finance are hereby authorized to process any paperwork to implement the intent of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 245

**Introduced by:** Finance and Public Works Committees

**Seconded by:** Mr. Herz

#### RESOLUTION AMENDING THE 2007 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2007 Capital Improvement Program is hereby amended to create a new project as follows:

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/</u> <u>Other</u>		
502390	Parks Reconstruction	170,000	42,500	127,500	0	
		<u>Local Finance</u> <u>Year Start</u>	<u>Law Section 11</u> <u>YPU</u>	<u>LFL</u>	<u>How Financed:</u> <u>Bond</u>	<u>Current</u> <u>Revenue</u>
		2007	5	35	0	0

Description: To remediate the November 2006 flood damages.

NOTE: Up to 75% of costs are to be reimbursed by the Federal Emergency Management Agency, and up to 25% by the State Emergency Management Office.

and be it

FURTHER RESOLVED, that the Commissioner of Finance is hereby authorized to make a short term, non-interest bearing loan from the General Fund and/or the Enterprise Funds to provide sufficient cash to proceed with the projects until Federal and State Aid or bond proceeds are received and be it

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FURTHER RESOLVED, that the Director of Budget and Research, Comptroller and the Commissioner of Finance are hereby authorized to process any paperwork to implement the intent of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 246

**Introduced by:** Finance Committee

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH J.J. SHEEHAN ADJUSTERS, INC. FOR INSURANCE ADJUSTER SERVICES FOR THE DEPARTMENT OF RISK AND INSURANCE FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 131 of 2006, authorized a renewal of the agreement with J.J. Sheehan Adjusters, Inc. for insurance adjusting services for the Office of Risk and Insurance at a rate of \$45 per hour (including expenses), total amount not to exceed budgeted appropriations for the period March 1, 2006 through February 28, 2007, and

WHEREAS, said services are necessary to investigate and accurately value liability claims against Broome County, and

WHEREAS, said agreement expires by its terms on February 28, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at a rate of \$45 per hour, total amount not to exceed budgeted appropriations, for the period March 1, 2007 through February 28, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with J.J. Sheehan Adjusters, Inc., P.O. Box 604, Binghamton, NY 13902 for insurance adjusting services for the Office of Risk and Insurance for the period March 1, 2007 through February 28, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a rate of \$45 per hour, total amount not to exceed budgeted appropriations for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050088.4747.254000 (Fees for other services), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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### RESOLUTION NO. 247

**Introduced by:** Personnel, Transportation and Rural Development and Finance Committees

**Seconded by:** Mr. Cleary

#### **RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE DEPARTMENT OF AVIATION**

RESOLVED, that in accordance with a request contained in PCR# 07-140 from the Commissioner of Aviation, this County Legislature hereby authorizes the increase of bi-weekly hours of Account Clerk, Grade 7, Union Code 54, 38 bi-weekly hours to Account Clerk, Grade 7, Union Code 08 50 bi-weekly hours, budget line 210203.1500.207000, salary of \$22,884 FTE, effective April 19, 2007.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

### RESOLUTION NO. 248

**Introduced by:** County Administration and Finance Committees

**Seconded by:** Mr. Cleary

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH WEST GROUP FOR ONLINE LEGAL RESEARCH SERVICES FOR THE DEPARTMENT OF LAW FOR 2007-2010**

WHEREAS, the Department of Law requests authorization for an agreement with West Group for online legal research services for the period March 30, 2007 through March 29, 2010, and

WHEREAS, said services are necessary to enable the attorneys, paralegal and student interns of the Law Department to research case law and statutes, and

WHEREAS, the online services are necessary due to the elimination of various hard copy subscriptions, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with West Group, 610 Opperman Drive, St. Paul, MN 55164 for online legal research services for the Department of Law for the period March 30, 2007 through March 29, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$909.30 per month for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 390005.4726.101000 (Contracted Data Processing), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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## RESOLUTION NO. 249

**Introduced by:** Finance Committee

**Seconded by:** Mr. Sanfilippo

### **RESOLUTION AUTHORIZING A HOME RULE REQUEST WITH RESPECT TO AN AMENDMENT OF SALES AND COMPENSATING USE TAX IN BROOME COUNTY**

WHEREAS, this Legislature previously adopted Resolution 97 of 2005 with respect to the amendment of the sales and compensating use tax in Broome County, and

WHEREAS, Assembly Bill A6089 and Senate Bill S4126 have been introduced into the New York State Assembly and Senate in relation to extending the authorization of the County of Broome to impose an additional one percent sales and compensating use tax, and

WHEREAS, pursuant to Article IX of the Constitution of the State of New York, it is necessary for this Legislature to enact a Home Rule Request for the purpose of said legislation, now, therefore be it

RESOLVED, that this County Legislature hereby urges and approves the adoption and passage of said Assembly Bill A6089 and Senate Bill S4126 entitled "An Act to amend the Tax Law, in relation to extending the authorization of the County of Broome to impose an additional one percent sales and compensating use tax" and hereby declares that a necessity exists for the passage of such bill and that the local Legislative Body of the County of Broome does not have the power to enact such legislation by local law, and be it

FURTHER RESOLVED, that a Home Rule Request be submitted to the Senate and Assembly of the New York State Legislature indicating the necessity exists for the enactment of said legislation.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

Motion by Mr. Kuzel to recall the Resolution.

**Carried.** Voice vote: Ayes-17, Nays-0, Absent-2 (Howard, Mather)

Motion by Mr. Kuzel, seconded by Mr. Shafer, to amend the Resolution to add the following as the second Whereas paragraph, "WHEREAS, on February 15, 2007, the Broome County Legislature adopted Permanent Resolution 114 of 2007 requesting the State Legislature to introduce legislation extending Broome County's additional one percent sales tax from December 1, 2007 through November 30, 2009; and,"

**Carried.** Voice vote: Ayes-17, Nays-0, Absent-2 (Howard, Mather)

**Resolution as amended carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## RESOLUTION NO. 250

**Introduced by:** County Administration and Finance Committees

**Seconded by:** Mr. Shafer

### **RESOLUTION AUTHORIZING CERTAIN TOWNS, VILLAGES AND SCHOOL DISTRICTS TO PARTICIPATE IN THE FLOOD ASSESSMENT RELIEF ACT OF 2007**

WHEREAS, Broome County experienced catastrophic flooding in June of 2006, and

WHEREAS, Broome County is one of several Counties in the State of New York that were designated State and Federal Disaster Areas, and

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WHEREAS, this flooding has negatively impacted the value of taxpayers' real property across the County to a value much lower than the tax roll reflects, and

WHEREAS, the State of New York has enacted the Flood Assessment Relief Act of 2007, and

WHEREAS, the County of Broome wishes to assist residents of the affected municipalities by facilitating their inclusion in the provisions of the Flood Assessment Relief Act of 2007, and

WHEREAS, the Broome County Legislature has until May 1, 2007 to pass legislation resolving to authorize qualifying municipalities to be included in the scope and coverage of the provisions of the Flood Assessment Relief Act of 2007, and

WHEREAS, for the benefits of this act to apply to a Town, Village, or School District that Town, Village, or School District must consent in writing to be included in the scope and coverage of the act, and

WHEREAS, refunds pursuant to this act shall be governed by section 556 of the Real Property Tax Law, and

WHEREAS, the Village of Deposit, Town of Kirkwood, Town of Conklin, Susquehanna Valley School District and the Union Endicott School District have notified the Broome County Executive that they want to "opt in" to the Flood Assessment Relief Act of 2007, and have consented to be included in the scope and coverage of the Flood Assessment Relief Act of 2007, now therefore, be it

RESOLVED, the County of Broome, the Village of Deposit, Town of Kirkwood, Town of Conklin, Susquehanna Valley School District contingent upon the receipt of the necessary resolution and letter which are being considered at a school board meeting on April 19, 2007, and the Union Endicott School District, are hereby included in the provisions of the Flood Assessment Relief Act of 2007, and be it

FURTHER RESOLVED, that should the County of Broome refund the payments on behalf of these Towns, Villages, or School Districts, the Town, Village or School District will reimburse the County for the refund pursuant to Section 556 of the Real Property Tax Law, and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

Motion by Mr. LaBare, seconded by Mr. Black, to amend the Resolution to include the following municipalities and school districts in the first Resolved paragraph, "City of Binghamton, Binghamton City School District, Town of Binghamton, Town of Lisle, Town of Vestal, Vestal Central School District, Town of Colesville, Town of Union, Village of Johnson City, Johnson City School District, Maine-Endwell School District, Town of Windsor, Windsor School District, and Harpursville School District," and to remove the contingency language related to the Susquehanna Valley School District in the same paragraph.

**Amendment carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

**Carried as amended.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

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## RESOLUTION NO. 251

**Introduced by:** County Administration and Public Safety and Emergency Services  
Committees

**Seconded by:** Mr. Kuzel

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 2 OF 2007, ENTITLED "A LOCAL LAW ADOPTING CHAPTER 170 OF THE BROOME COUNTY CODE IMPOSING MOVEMENT AND RESIDENCY RESTRICTIONS UPON REGISTERED SEX OFFENDERS"**

WHEREAS, the Honorable Jerry F. Marinich requests authorization for a Resolution Adopting Local Law Intro. No. 2 of 2007, Entitled "A Local Law Adopting Chapter 170 Of The Broome County Code Imposing Movement And Residency Restrictions Upon Registered Sex Offenders", now, therefore, be it

RESOLVED, that Local Law Intro. No. 2 of 2007, entitled "A Local Law Adopting Chapter 170 of the Broome County Code Imposing Movement and Residency Restrictions Upon Registered Sex Offenders" be and the same is hereby adopted and approved in accordance with the Broome County Charter, The New York State Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto.

Local Law Introduced No. 2 of 2007

"A Local Law Adopting Chapter 170 of the Broome County Code Imposing Movement and Residency Restrictions Upon Registered Sex Offenders"

BE IT ENACTED by the County Legislature of the County of Broome as follows:

Section 1. Chapter 170 shall be and hereby is added to read as follows:

1. Enacting Clause

The Local Law is enacted pursuant to the New York Municipal Home Rule Law, which enables local governments to adopt local laws relating to their property, affairs, or government, so long as the local laws are not inconsistent with the New York Constitution or any general law of New York State. The New York Municipal Home Law also authorizes local governments to adopt local laws regulating the protection, order, conduct, safety, health and welfare of the persons within the local municipality. It is the intent of the County to adopt a law which is consistent with the Constitution and laws of the State of New York, as well as the Constitution of the United States.

2. Statement of Purpose.

In order to safeguard and protect the health, safety, and welfare of the children of the County of Broome, and in particular to protect the children of the County of Broome from access by convicted sex offenders who may be present in the County, it is hereby declared that the movement and residence of certain convicted sex offenders must be monitored to minimize the possibility of contact between such sex offenders and the children of the County.

3. Definitions.

A. Level Two Sex Offenders. For the purposes of this Local Law, a "Level Two Sex Offender" shall be defined as a person who: (1) is convicted of an offense defined in article one hundred thirty, two hundred thirty-five or two hundred sixty-three of the New York State Penal Law and the victim of the offense was a person under the age of eighteen at the time of the offense; or, is designated as a "level two sexual offender" pursuant to subdivision six of section 168-l of the New York State Correction Law; and (2) by reason of his or her conviction for the offense the person: (i) receives a sentence or probation or conditional discharge on or after September 1, 2005; or (ii) is released on parole or a conditional release pursuant to subdivision 14 of section 259 of the New York State Executive Law on or after September 1, 2005; or (iii) is

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conditionally released pursuant to section 70.40 of the New York State Penal Law on or after September 1, 2005.

B. School Grounds. For the purposes of this Local Law the term "School Grounds" shall mean: (1) any area in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school; or (2) any area accessible to such school or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising any such school. For the purposes of this section, an "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

C. Facility or Institution Primarily used for the Care or Treatment of Persons under Age of Eighteen. For the purposes of this Local Law, the term "Facility or Institution Primarily Used for the Care or Treatment of Persons under the Age of Eighteen" shall mean: any facility or institution primarily used for the care or treatment of persons under the age of eighteen while one or more of such persons under the age of eighteen are present, including but not limited to day care centers licensed, certified or otherwise and sanctioned by the State of New York and/or a political subdivision of the State of New York.

D. Public Park. For the purpose of this Local Law, the term "Public Park" shall mean (1) any park, open to the public and owned by a municipality organized under the State of New York; or (2) any area accessible to such Public Park or any parked automobile or other parked vehicle located within one thousand (1,000) feet of the real property boundary line comprising any such Public Park. For the purposes of this section, an "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

#### 4. Prohibited Conduct

Level Two Sex Offenders are hereby prohibited from:

a. Knowingly entering into or upon any School Grounds, any Facility or Institution Primarily Used for the Care of Treatment of Persons under the age of Eighteen, or Public Park, provided however, that if such Level Two Sex Offender is a registered student, participant or employee of such School Grounds, Facility or Institution Primarily Used for the Care or Treatment of Persons under the Age of Eighteen or Public Park, said Level Two Sex Offender may enter upon such facility only if a written authorization of his or her probation officer or the Court and the Superintendent, chief administrator or executive of such School Grounds or Facility or Institution Primarily used for the Care or Treatment of Persons under the Age of Eighteen, or Public Park is obtained for the limited purposes authorized by the probation officer or the court and superintendent, chief administrator or executive of such School Grounds, Facility or Public Park. In addition to the foregoing, such Level Two Sex Offender may also lawfully enter into or upon a School Grounds, Facility or institution Primarily Used for the Care or Treatment of Persons under the Age of Eighteen or Public Park if he or she: (i) has a medical emergency requiring immediate attention at a health care provider; or (ii) has lawful business at a federal, state or local court or governmental agency; or (iii) is traveling on an interstate or New York State maintained roadway within the proximity of a School Grounds, a Facility or Institution Primarily Used for the Care or Treatment of Persons under the Age of Eighteen or Public Park. Nothing in this Local Law shall be construed as restricting any lawful condition of supervision that may be imposed on a sentenced Level Two Sex Offender.

b. Maintaining his or her residence, either permanently or temporarily, within one thousand (1,000) feet of any School Grounds, any Facility or Institution Primarily Used for the Care or Treatment of Persons under the age of Eighteen, or Public Park.

#### 5. Penalties and Remedies

A. Any person who shall violate any provisions of this Local Law, upon conviction shall be guilty of an offense and subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or imprisonment for a period of not more than six (6) months, or both for a conviction of a first offense; for a conviction of a second offense both of

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which were committed within a period of five years, punishable by a fine of not less than five hundred (\$500.00) nor more than seven hundred fifty dollars (\$750.00), or imprisonment for a period of not more than six months, or both; and, upon conviction of a third or subsequent offense all of which were committed with a period of five years, punishable by a fine of not less than seven hundred fifty dollars (\$750.00), nor more than one thousand dollars (\$1,000.00), or imprisonment for a period of not more than six (6) months, or both.

B. For the purposes of Section 4(B) of this Local Law, each period of continual residence for a period in excess of one week shall be considered a separate offense.

C. In addition to the penalties set forth in Section 5(A), the County shall be entitled to obtain appropriate injunctive relief in any Court of competent jurisdiction.

Section 2.

This Local Law shall become effective upon filing with the Secretary of State.

**Carried.** Ayes-17, Nays-0, Absent-2 (Howard, Mather)

## **RESOLUTION NO. 252**

**Introduced by:** Public Works and Finance Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AUTHORIZING THE APPROPRIATION OF SUCH OF THE TOBACCO BOND PROCEEDS AS NECESSARY TO FULLY FUND THE RECONSTRUCTION OF THE GEORGE HARVEY JUSTIC BUILDING, WITH THE REMAINDER DEDICATED TO CAPITAL REPAIRS AND/ OR CAPITAL PROJECTS AT BCC.**

WHEREAS, in or around September 2005, municipalities in New York State were given the opportunity to receive additional tobacco settlement revenues in a lump sum payout, and Broome County opted to receive said revenues in the amount of \$17,154,187.71, together with accrued interest, and

WHEREAS, as a condition to the acceptance by the County of the additional lump sum revenues, the county was required to adhere to the regulations that allowed for the release of said revenues, including the following restrictions:

1. That the revenues must be used for a capital project, or defeasance of a debt arising out of a capital project, that has an acceptable average period of probable use as defined by NY State Finance Law;
2. That any capital project selected must be completed within specific time frames, to wit: 5% of such bond proceeds must be committed within 6 months of the sale of the tobacco secured bonds; and 85% of such bond proceeds must be allocated in 36 months of the sale of said securities, and

WHEREAS, this legislature by resolution 24 of 2006 identified two potential capital projects that would satisfy the bond expenditure guidelines and would serve the county's interests, as follows: 1. The reconstruction of the George Harvey Justice Building (GHJB), and 2. The construction of a technology/ communications building at Broome Community College (BCC), and

WHEREAS, Both projects were included in the 2006-2011 Capital Improvement Program, the CIP budget for GHJB being set at \$17,000,000; and the CIP budget for the construction of the first of two phases of the BCC building being set at \$24,000,000; and

WHEREAS, Resolution 392 of 2006, adopted September 20, 2006 purported to apportion equal shares of approximately \$8.5 million of tobacco revenue funds to GHJB and to BCC; and

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Resolution 395 of 2006 adopted on the same date authorized the appropriation of ½ of the tobacco revenue funds for the GHJB project and the remaining ½ for the BCC project, and

WHEREAS, The 2006 CIP was amended by Resolution No 396, to show anticipated funds of \$12,000,000 in state funding, requiring an additional \$5,000,000 in state appropriations for the BCC project, and

WHEREAS, The 2007-2008 State budget does not include any additional money for any capital projects at BCC, thus frustrating the financing scheme upon which the aforementioned resolutions were predicated and making it highly unlikely that the BCC project could possibly be constructed within the time schedules required by the tobacco bond regulations, and

WHEREAS, at this time Broome County wishes to fully fund the renovation of the GHJB so as not to incur long term debt, making available for this purpose the entire tobacco revenue proceeds, with any residual moneys thereafter dedicated to future facility repairs or renovations or other capital projects at the BCC campus, NOW THEREFORE BE IT

RESOLVED, that this County Legislature hereby authorizes the expenditure of and appropriates all the tobacco bond proceeds, plus interest, for the reconstruction of the George Harvey Justice Building, and be it

FURTHER RESOLVED, that all remaining tobacco bond proceeds not expended on the reconstruction of the George Harvey Justice Building shall be designated for future appropriation for renovations, and/or capital projects at Broome Community College that meet bond expenditure guidelines, and be it

FURTHER RESOLVED, that Resolution 392 of 2006, adopted September 20, 2006 to the extent consistent with this Resolution shall remain in full force and effect, and be it

FURTHER RESOLVED, that Resolution 395 of 2006, adopted September 20, 2006 is hereby rescinded, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.  
**Held over by Mr. Schofield**

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**RESOLUTION NO. 253**

**Introduced by:** Finance and Public Works Committees

**Seconded by:** Mr. Materese

**RESOLUTION AMENDING THE 2006 CAPITAL IMPROVEMENT PROGRAM**

RESOLVED, that the 2006 Capital Improvement Program is hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		
			<u>State</u>	<u>Federal/</u> <u>Other</u>	<u>County</u>
501432	George Harvey Justice Building Reconstruction	17,000,000	0	8,500,000	8,500,000

<u>Local Finance Law Section 11</u>			<u>How Financed:</u>
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>
2006	--	--	8,500,000

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		
			<u>State</u>	<u>Federal/Ot</u> <u>her</u>	<u>County</u>
501432	George Harvey Justice Building Reconstruction	17,000,000	0	0	17,000,000*

<u>Local Finance Law Section 11</u>			<u>How Financed:</u>
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>
2006	25	12	0

\* Tobacco Revenue Funds

Description: This project involves the use of the tobacco settlement revenues for the renovation of the George Harvey Justice Building to provide space for the relocation of the offices for the District Attorney, Probation, and the Public Defender. The renovation would be in keeping with the historical significance of the building, retaining the exterior surfaces and as much as possible of the interior to retain the historical flavor.

**Held over by Mr. Materese.**

Mr. Marinich asked that Johnny Hart be remembered for his contribution to the Community. Mr. Cleary made a motion to adjourn, seconded by Mr. Sanfilippo. The meeting was adjourned at 7:20 p.m.

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